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Presidential Documents

Title 3—

The President

Proclamation 6298 of May 21, 1991

National Desert Storm Reservists Day, 1991

By the President of the United States of America

A Proclamation

On this occasion we gratefully salute the members of the National Guard and Reserve forces of the United States—dedicated and highly trained men and women who played a major role in the success of Operation Desert Shield/Desert Storm. Whether they served directly in the Persian Gulf or on military bases in the United States and elsewhere around the world, as members of our Nation's Total Force, these National Guardsmen and reservists made a vital contribution toward the liberation of Kuwait.

During the course of the war in the Persian Gulf, more than 228,000 members of the Ready Reserve were ordered to active duty. Thousands more volunteered in advance of being called to support the coalition effort. Members of the Army National Guard, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard, the Air Force Reserve, and the Coast Guard Reserve—these men and women were trained and ready to do their jobs. As they have done for all conflicts since colonial times, guardsmen and reservists responded quickly to the call. They promptly assumed a variety of combat missions such as armor, artillery, tactical fighter, tactical reconnaissance, and minesweeping. Their support missions included transportation, medical, airlift, service/supply, civil affairs, intelligence, military police, and communications.

When called to active duty, members of the Ready Reserve were suddenly required to leave behind their families and their careers. As we thank our Desert Storm reservists for the many sacrifices that they have made in behalf of our country, it is fitting that we also honor their loved ones. They too have shown the extraordinary degree of patriotism and courage that we have come to expect of the Nation's military families. National Guard and Reserve units worked in close cooperation with the Active Services to develop a broad-based family support network to assist these new military dependents.

The Nation's employers, educators, and other institutions throughout the private sector have provided strong support and assistance to their reservist employees and students who were called to duty on short notice. The National Committee for Employer Support of the Guard and Reserve, a 4,000-member network of business and civic leader volunteers, has put forth special efforts to help guardsmen and reservists, as well as their employers, to understand their job rights and responsibilities.

In recognition of their vital role in the liberation of Kuwait, the Congress, by Senate Joint Resolution 134, has designated May 22, 1991, as "National Desert Storm Reservists Day" and has authorized and requested the President to issue a proclamation in observance of this day.

NOW, THEREFORE, I, GEORGE BUSH, President of the United States of America, do hereby proclaim May 22, 1991, as National Desert Storm Reservists Day. I call upon all Americans to observe this day with appropriate ceremonies and activities in honor of the courageous men and women of the United States Ready Reserve.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of May, in the year of our Lord nineteen hundred and ninety-one, and of the Independence of the United States of America the two hundred and fifteenth.

George Bush

[FR Doc. 91-12453
Filed 5-21-91; 4:13 pm]
Billing code 3195-01-M

Presidential Documents

Executive Order 12761 of May 21, 1991

Establishment of the President's Environment and Conservation Challenge Awards

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish, in accordance with the goals and purposes of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), the Environmental Quality Improvement Act of 1970, as amended (42 U.S.C. 4371 *et seq.*), and the National Environmental Education Act, Public Law 101–619, 104 Stat. 3325 (1990), an awards program to raise environmental awareness and to recognize outstanding achievements in the United States and in its territories in the areas of conservation and environmental protection by both the public and private sectors, it is hereby ordered as follows:

Section 1. *Establishment.* The President's Environment and Conservation Challenge Awards program is established for the purposes of recognizing outstanding environmental achievements by U.S. citizens, enterprises, or programs; providing an incentive for environmental accomplishment; promoting cooperative partnerships between diverse groups working together to achieve common environmental goals; and identifying successful environmental programs that can be replicated.

Sec. 2. *Administration.* (a) The Council on Environmental Quality, with the assistance of the President's Commission on Environmental Quality, shall organize, manage, and administer the awards program, including the development of selection criteria, the nomination of eligible individuals to receive the award, and the selection of award recipients.

(b) Any expenses of the program shall be paid from funds available for the expenses of the Council on Environmental Quality.

Sec. 3. *Awards.* (a) Up to three awards in each of the following four categories shall be made annually to eligible individuals, organizations, groups, or entities:

(i) Quality Environmental Management Awards (incorporation of environmental concerns into management decisions and practices);

(ii) Partnership Awards (successful coalition building efforts);

(iii) Innovation Awards (innovative technology programs, products, or processes); and

(iv) Education and Communication Awards (education and information programs contributing to the development of an ethic fostering conservation and environmental protection).

(b) Presidential citations shall be given to eligible program finalists who demonstrate notable or unique achievements, but who are not selected to receive awards.

Sec. 4. *Eligibility.* Only residents of the United States and organizations, groups, or entities doing business in the United States are eligible to receive an award under this program. An award under this program shall be given only for achievements in the United States or its territories. Organizations, groups, or entities may be profit or nonprofit, public or private entities.

Sec. 5. *Information System.* The Council on Environmental Quality shall establish and maintain a data bank with information about award nominees to catalogue and publicize model conservation or environmental protection programs which could be replicated.

George Bush

THE WHITE HOUSE,
May 21, 1991.

[FR Doc. 91-12460
Filed 5-21-91; 4:34 pm]
Billing code 3195-01-M

Rules and Regulations

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Part 941

[Docket No. R-91-1522; FR-2782-C-03]

RIN 2577-AA82

Public Housing Development—Technical Amendments; Correction

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Final rule; correction.

SUMMARY: On April 1, 1991 (56 FR 13281), the Department published in the **Federal Register**, a final rule that made certain technical changes to the regulations at 24 CFR part 941, which govern public housing development by public housing agencies. The preamble to the final rule advised that HUD-assisted public housing is subject to the requirements of the Architectural Barriers Act of 1968 (42 U.S.C. 4151–4157), and that § 941.208(c) is amended to codify this statutory requirement. (*See* 56 FR 13281.) However, the text of § 941.208, as published in the April 1, 1991 final rule, failed to include reference to the Architectural Barriers Act. (*See* 56 FR 13282.) The purpose of this document is to correct § 941.208(c) to include reference to the Architectural Barriers Act.

FOR FURTHER INFORMATION CONTACT: Janice D. Rattley, Director, Office of Construction, Rehabilitation and Maintenance, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–8000, telephone (202) 708–1800, or (202) 708–0850 (TDD). These are not toll-free numbers.)

Accordingly, in FR Doc. 91–1522, published in the **Federal Register** on April 1, 1991, at 56 FR 13280, 24 CFR part 941 is amended by correcting § 941.208(c) to read as follows:

PART 941–PUBLIC HOUSING DEVELOPMENT

1. The authority citation for 24 CFR part 941 continues to read as follows:

Authority Secs. 4, 5, and 9 of the United States Housing Act of 1937 (42 U.S.C. 1437b, 1437c, and 1437g); Sec. 7(d), Department of Housing and Urban Deelopment Act (42 U.S.C. 3535(d)).

§ 941.208 [Corrected]

2. On page 13282, in the third column, § 941.208(c) is corrected to read as follows;

* * * * * *

(c) *Accessibility requirements.* Participation in this program requires compliance with the Architectural Barriers Act of 1968 (42 U.S.C. 4151–4157), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), Executive Order 11914, and title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. 3601–3620) (Fair Housing Act), relating to nondiscrimination against the handicapped, and all related rules, regulations and requirements.

* * * * *

Dated: May 16, 1991.

Grady J. Norris

Assistant General Counsel for Regulations

[FR Doc. 91–12221 Filed 5–22–91; 8:45 am]

BILLING CODE 4210-33-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 260

RIN 1010-AB67

Outer Continental Shelf Oil and Gas Leasing

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Final rule, technical amendment.

SUMMARY: The Minerals Management Service (MMS) is amending its regulations at 30 CFR 260.110(b) regarding gas product valuation regulations to correct a technical error.

EFFECTIVE DATE: May 23, 1991.

FOR FURTHER INFORMATION CONTACT: Dennis C. Whitcomb, Chief, Rules and Procedures Branch, Minerals Management Service, Royalty Management Program, Denver Federal Center, Building 85, P.O. Box 25165, Mail Stop 3910, Denver, Colorado 80225, (303) 231–3432 or (FTS) 326–3432.

SUPPLEMENTARY INFORMATION:

I. Final Rule Amendment

Revised final gas product valuation regulations were published in the **Federal Register** on January 15, 1988 (53 FR 1230). At the time the final regulations were published, MMS inadvertently failed to revise a citation in 30 CFR 260.110(b) that references § 206.150 of the old regulations. The citation to the corresponding provisions in the revised regulations should be to §§ 206.102, 206.152, and 206.153. The MMS is publishing this final rule amendment to correct this technical error.

II. Procedural Matters

Administrative Procedure Act

The change included in this rulemaking is a technical correction only and is not a substantive change. Accordingly, pursuant to 5 U.S.C. 553(b), it has been determined that it is unnecessary to issue proposed regulations before the issuance of this final regulation. For the same reason, it has been determined that in accordance with U.S.C. 553(d), there is good cause to make this regulation effective on the date of publication in the **Federal Register.**

Executive Order 12291 and Regulatory Flexibility Act

The Department of the Interior has determined that this document is not a major rule under Executive Order 12291 and certifies that this document will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.).

Executive Order 12630

Because this rule is a technical correction only and is not a substantive change, the Department certifies that the rule does not represent a governmental action capable of interference with constitutionally protected property

rights. Thus, a Takings Implication Assessment need not be prepared pursuant to Executive Order 12630, "Government Action and Interference with Constitutionally Protected Property Rights."

Paperwork Reduction Act of 1980

This rule does not contain information collection requirements which require approval by the Office of Management and Budget under 44 U.S.C. 3501 et seq.

National Environmental Policy Act of 1969

It is hereby determined that this rulemaking does not constitute a major Federal action significantly affecting the quality of the human environment, and a detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 [42 U.S.C. 4332(2)(C)] is not required.

List of Subjects in 30 CFR Part 260

Continental shelf, Government contracts, Mineral royalties, Oil and gas exploration, and Public lands—mineral resources.

Dated: April 23, 1991.

Barry Williamson,

Director, Minerals Management Service.

For the reasons set forth in the preamble, 30 CFR part 260 is amended to read as follows:

TITLE 30—MINERAL RESOURCES

CHAPTER II—MINERALS MANAGEMENT SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—OFFSHORE

PART 260—OUTER CONTINENTAL SHELF OIL AND GAS LEASING

1. The authority citation for part 260 continues to read as follows:

Authority: Act of August 7, 1953, ch. 345, secs. 2 and 8, 67 Stat. 468 (43 U.S.C. 1331 and 1337), as amended by sec. 205, Pub. L. 95-372, 92 Stat. 462 and 629; secs. 302, 303 and 644.

2. In paragraph (b) of § 260.110, the citation "30 CFR 206.150" is removed and the citations "30 CFR 206.102, 206.152, and 206.153" are added in its place.

[FR Doc. 91-12255 Filed 5-22-91; 8:45 am]

BILLING CODE 4310-MR-M

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1228

[RIN 3095-AA04]

Procedures for Transfer of Records to Federal Records Centers

AGENCY: National Archives and Records Administration.

ACTION: Final rule; correction.

SUMMARY: In the final rule regarding procedures for transfer of records to Federal records centers published on April 5, 1991 at 56 FR 14025, the National Archives and Records Administration inadvertently omitted an alternative method of preparing the folder title list required by §1228.152(e)(2). This document corrects the paragraph to allow agencies to provide the folder title list in block 6F of the Standard Form 135 or to prepare a separate list on plain paper.

EFFECTIVE DATE: April 5, 1991.

FOR FURTHER INFORMATION CONTACT: Mary Ann Palmos or Nancy Allard at 200-501-5110 (FTS 241-5110).

PART 1228—DISPOSITION OF FEDERAL RECORDS

On page 14026 in the first column, the introductory text of paragraph (e)(2) of § 1228.152 is correctly revised to read as follows:

§ 1228.152 Procedures for Transfers to Federal records centers.

* * * * *

(e) * * *

(1) * * *

(2) Standard Forms 135 proposing the transfer of the following categories of records must contain, either in block 6F of the form or on attaced plain paper, a folder title list of the box contents or equivalent detailed records description, and each accession must be listed on a separate SF 135:

* * * * *

Dated: May 15, 1991.

Don W. Wilson,

Archivist of the United States.

[FR Doc. 91-12273 Filed 5-22-91; 8:45 am]

BILLING CODE 7515-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 272

[FRL-3957-8]

Utah; Final Authorization of State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: The State of Utah has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed Utah's application and has made a decision, subject to public review and comment, that Utah's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve Utah's hazardous waste program revisions. Utah's application for program revision is available for public review and comment.

DATES: Final authorization for Utah shall be effective July 22, 1991, unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on Utah's program revision application must be received by the close of business June 22, 1991.

ADDRESSES: Copies of Utah's program revision application are available during regular business hours at the following addresses for inspection and copying: Bureau of Solid and Hazardous Waste, Utah Department of Health, 288 North 1460 West, Cannon Health Building, 4th Floor, Salt Lake City, Utah, 84116-0690; U.S. EPA Headquarters Library, PM 211A, 401 M Street SW., Washington, DC 20460, phone: (202) 382-5926; U.S. EPA Region VIII Library, 999 18th Street, suite 500, Denver, CO 80204-2405, phone (303) 293-1444. Written comments should be sent to: Marcella DeVargas, U.S. Environmental Protection Agency, 999 18th Street, suite 500, Denver, Colorado 80202-2405, phone (303) 293-1670.

FOR FURTHER INFORMATION CONTACT: J. William Geise, Jr., Chief, RCRA Management Branch, U.S. EPA, 999 18th Street, suite 500, Denver, CO, phone (303) 293-7540.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act ("RCRA" or the "the Act"), 42 U.S.C. 6929(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98–616, November 8, 1984, hereinafter "HSWA") allows States to revise their programs to become substantially equivalent instead of equivalent to RCRA requirements promulgated under HSWA authority. States exercising the latter option receive "interim authorization" for the HSWA requirements under section 3006(g) of RCRA, 42 U.S.C. 6926(g), and later apply for final authorization for the HSWA requirements.

Revisions to State hazardous waste programs are necessary when Federal or State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260–266 and parts 124 and 270.

B. Utah

Utah initially received final authorization in October 1984. Utah received authorization for revisions to its program on March 7, 1989. On March 6, 1991, Utah submitted a program revision application for additional program approvals. Today, Utah is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

EPA has reviewed Utah's application, and has made an immediate final decision that Utah's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to Utah. The public may submit written comments on EPA's immediate final decision up until June 22, 1991. Copies of Utah's application for program revision are available for inspection and copying at the locations indicated in the "Addresses" section of this notice.

Approval of Utah's program revision shall become effective in 60 days unless an adverse comment pertaining to the State's revision discussed in this notice is received by the end of the comment period. If an adverse comment is received EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision.

In June 1989, Utah submitted a draft application for EPA review. The EPA comments on the draft application were addressed in the final application. Thus, the Utah program is only granted final authorization for those provisions specifically listed in Table 1.

Utah has not requested hazardous waste program authority on Indian lands. The Environmental Protection Agency retains all hazardous waste authority under RCRA which applies to Indian lands in Utah.

Today Utah is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3). Specific provisions which are included in the Utah program authorization revision sought today are listed in Table 1 below.

TABLE 1.—PROVISIONS

FEDERAL REGISTER Reference	State Equivalent [1]
1. TDI, DNT, and TDA Wastes, 50 FR 42936–42943, 10/23/85	R450–2–1.8, R450–2–1.9, R450–50–1J, R450–50–1K, R450–50–1L
2. Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces, 50 FR 49164–49211.	R450–1–1.2, R450–2–1.4, R450–2–1.5, R450–8–15.1, R450–8–15.1, R450–7–22.1, R450–7–29, R450–7–30
3. Listing of Spent Solvents, 50 FR 53315–53320, 12/31/85	R450–2–1.8
4. Listing of EDB Wastes, 51 FR 5327–5331, 2/13/86	R450–2–1.8, R450–50–1J, R450–50–1K
5. Listing of Four Spent Solvents, 51 FR 6537–6542, 2/24/86	R450–2–1.8, R450–2–1.9, R450–50–1J, R450–50–1L
6. Generators of 100–1,000 kg Hazardous Waste, 51 FR 10146–10176, 3/24/86	R450–1, R450–2–1.4, R450–4–2, R450–5–9, R450–5–11, R450–4–3, R450–3–3.2
7. Financial Responsibility Requirements: Settlement Agreement, 51 FR 16442, 5/2/86.	R450–1, R450–8–7, R450–8–8, R450–7–14, R450–7–15, R450–3–3.2, R450–3–9, R450–3–20
8. Codification Rule, Technical Correction, 51 FR 19176, 5/28/86	R450–7–21
9. Listing of Spent Pickle Liquor (K062), 51 FR 19320–19322, 5/28/86	R450–2–1.8
10. Liability Coverage—Corporate Guarantee, 51 FR 25350–25356, 7/11/86	R450–8–8, R450–7–15
11. Standards for Hazardous Waste Storage and Treatment Tank Systems, 51 FR 25422–25486, 7/14/86.	R450–1, R450–2–1, R450–5–9, R450–8–2.6, R450–8–5.3, R450–8–7, R450–8–8, R450–8–10, R450–7–9.4 R450–7–9.6, R450–7–12.4, R450–7–15, R450–7–17, R450–3–3.2, R450–3.20
12. Corrections to Listing of Commercial Chemical Products and Appendix VIII Constituents, 51 FR 28296–28310, 8/6/86.	R450–2–1.9, R450–50–1L
13. Biennial Report Correction, 51 FR 28556, 8/8/86	R450–8–5.6, R450–7–12.6
14. Exports of Hazardous Waste, 51 FR 28664, 8/8/86	R450–2–1.4, R450–2–1.5, R450–5–5, R450–5–12, R450–5–13, R450–5–10.1, R450–50–1B, R450–4–3
15. Standards for Generators—Waste Minimization Certifications, 51 FR 35190, 10/1/86.	R450–50–1B
16. Listing of EBDC, 51 FR 37725, 10/24/86	R450–2–1.8, R450–50–1J, R450–50–1K
17. Land Disposal Restrictions, 51 FR 21010, 6/4/87	R450–2.1, R450–R450–5–1, R450–6–1.4, R450–8–1, R450–8–2.4, R450–8–5.3, R450–7–8.1, R450–7–9–4, R450–13, R450–12.4, R450–50–1P, –1Q, R450–3.3, R450–3–13, R450–3–9
18. Revised Manual SW–846, 51 FR 8072–8073, 3/16/87	R450–2–1.7, R450–3–1.2
19. Closure/Post-Closure Care for Interim Status Surface Impoundments, FR 8704, 3/19/87.	R450–7–18.6
20. Definition of Solid Waste: Technical Corrections, 52 FR 21306, 6/05/87	R450–2–1.9, R450–7–28
21. Amendments to Part B Information Requirements for Disposal Facilities, 52 FR 33986, 9/9/87.	R450–3–3.2
22. Identification and Listing of Hazardous Waste, 52 FR 26012, 7/10/87	R450–2–1.9
23. Liability Requirements for Hazardous Waste Facilities Corporate Guarantee, 52 FR 44314, 11/18/87.	R450–8–8, R450–7–15

[1] Rules referenced are to the Utah Solid and Hazardous Waste Rules. State Authorities: UCA 26–14–2, enacted 1981, amended 1987 and 1988, effective 7/1/87 and 4/25/88. UCA 26–14–5, enacted 1981, amended 1988, effective 4/25/88 and 9/20/88. UCA 26–14–6, enacted 1981, amended 1986, 1987, 1988, effective 7/1/87, 4/25/88, and 9/20/88.

C. Decision

I conclude that Utah's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, Utah is granted final authorization to operate its hazardous waste program as revised.

Utah now has responsibility for permitting treatment, storage, and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitation of its revised program application and previously approved authorities. Utah also has primary enforcement responsibilities, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under section 3008, 3013, and 7003 of RCRA.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the Provisions of 4 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of Utah's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

List of Subjects in 40 CFR Part 272

Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste Indian lands, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Authority: This notice is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act as amended 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: May 13, 1991.

James J. Scherer,

Regional Administrator.

[FR Doc. 91-12157 Filed 5-22-91; 8:45am]

BILLING CODE 6560-50-M

40 CFR PART 372

[OPTS-400030A; FRL-3803-6]

Copper Phthalocyanine Pigments; Toxic Chemical Release Reporting; Community Right-to-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is promulgating a rule to delete Pigment Blue 15, Pigment Green 7, and Pigment Green 36 from reporting requirements under the category "copper compounds" from the list of toxic chemicals under section 313 of the Emergency Planning and Community Right-to-Know Act. The rule is based on EPA's conclusion that: (1) The copper ion cannot reasonably be anticipated to become available at a level which induces toxicity from any of these pigments and (2) there is no evidence that the three chemicals cause or can reasonably be anticipated to cause adverse human health or environmental effects as specified under section 313(d). By promulgating this rule, EPA is relieving facilities of their obligation to report in 1991 on releases of Pigment Blue 15, Pigment Green 7, or Pigment Green 36 that occurred in 1990, and on releases that will occur in future years.

DATES: This rule is effective June 24, 1991.

FOR FURTHER INFORMATION CONTACT: Maria J. Doa, Petitions Coordinator, Emergency Planning and Community Right-to-Know Hotline, Environmental Protection Agency, Mail Stop OS-120, 401 M St., SW., Washington, DC 20460, Toll free: 800-535-0202, In Washington, DC and Alaska: 202-479-2449.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Statutory Authority

The deletion of three copper pigments from reporting requirements under the category "copper compounds" from the section 313 list of toxic chemicals is issued under section 313(d) and (e)(1) of the Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986, also referred to as title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986 (Pub. L. 99-499).

B. Background

Section 313 of EPCRA requires certain facilities manufacturing, processing, or otherwise using toxic chemicals to report annually their environmental releases of such chemicals. Section 313 establishes an initial list of toxic chemicals that is composed of more than 300 chemicals and 20 chemical categories. Any person may petition EPA to add chemicals to or delete chemicals from the list.

EPA issued a statement of petition policy and guidance in the **Federal Register** of February 4, 1987 (52 FR 3479), to provide guidance regarding the recommended content and format for submitting petitions. EPA must respond to petitions within 180 days either by initiating a rulemaking or by publishing an explanation of why the petition has been denied.

II. Description of Petition

On June 1, 1988, EPA received a petition from The Dry Color Manufacturers' Association (DCMA) to exempt three phthalocyanine pigments from the reporting requirements under the list of toxic chemicals category "copper compounds." C.I. Pigment Blue 15, CAS No. 147-14-8; C.I. Pigment Green 7, CAS No. 1328-53-6; and C.I. Pigment Green 36, CAS No. 14302-13-7 are phthalocyanine pigments covalently bound to copper. Since the pigments are copper-containing compounds, they are reportable under section 313. After review of the submitted petition and additional information available to EPA, the Agency proposed to delete the three phthalocyanine pigments from reporting under the "copper compounds" category; the proposal was published in the **Federal Register** of May 15, 1989 (54 FR 20866). EPA concluded that the three phthalocyanine pigments cannot be reasonably anticipated to cause adverse health or environmental effects of concern to warrant continued release reporting under section 313. A detailed review of the toxicity and environmental effects of the three intact phthalocyanine pigments, along with an assessment of actual or potential exposure, is contained in the proposal.

Because DCMA's petition raised a number of important questions about how EPA should deal with petitions to delete individual members of listed chemical categories, the Agency also requested comment on approaches for addressing these issues and presented four alternatives. The public comment that was received as a result of the second request is addressed in a notice of policy and guidance on the metal compound categories that is published elsewhere in this issue of the **Federal Register**.

As stated in the above-mentioned notice of policy and guidance on the metal compound categories, the toxicity of a metal-containing compound that dissociates or reacts to generate the metal ion can be expressed as a function

of the toxicity induced by the intact species and the availability of the metal ion, where the degree of dissociation, bioaccumulation, and the level at which toxicity is induced by the metal ion must be considered. The effects induced by the metal ions described by the metal compound categories meet the criteria under section 313(d)(2). Thus, for petitions to exempt metal-containing compounds from the reporting requirements under section 313, EPA has decided to base its decisions on the evaluation of all chemical and biological processes that may lead to metal ion availability as well as on the toxicity exhibited by the intact species. These decisions will continue to be based on information provided by the petitioner, Agency documents, and available literature. The burden of proof that the metal compound does not generate the metal ion as a result of one or more transformation processes rests on the submitter. EPA will deny petitions for chemicals for which the metal ion availability cannot be properly evaluated. EPA will also deny petitions for chemicals that dissociate or react to generate the metal ion at a level which can reasonably be anticipated to cause adverse effects. If the metal compound does not dissociate or react to generate the metal ion at a level which can reasonably be anticipated to cause adverse effects, EPA will determine whether the effects which may be induced by the intact species meet the toxicity criteria of section 313(d)(2).

It should be noted that the above policy would result in a denial of DCMA's petition if it were received today because DCMA did not address, in the petition, all of the transformation processes which could lead to the availability of copper ion from the three copper pigments. Prior to adopting the above-stated policy, EPA carried out a technical review to assess the potential availability of copper ion from the three copper pigments and based its decision on the lack of toxicity exhibited by the intact species and the limited copper ion availability. EPA's technical review of the copper pigments, which is provided below, illustrates the type of analyses which must be conducted by petitioners to justify deletions of metal compounds from their respective categories.

III. Technical Review

In the proposed rule to exempt the copper pigments from the reporting requirements under the copper compounds category under EPCRA section 313, EPA stated that there was no indication from the available data that the (intact) copper pigments can reasonably be anticipated to cause acute, chronic, or environmental toxicity. The issue of copper ion availability from the three phthalocyanine pigments was not explicitly addressed in the proposed rule.

EPA is concerned with both the potential toxicity induced by intact metal compounds and with the toxicity induced by the metal ion. Although EPA was concerned with copper ion availability in its initial review, it did not consider all the transformation processes that may lead to metal ion availability. The Agency recently addressed the transformation processes that may generate copper ion from the copper phthalocyanine pigments. These include, but are not limited to: hydrolysis, photolysis, abiotic and biotic aerobic degradations, abiotic and biotic anaerobic degradations, bioavailability of the ion when the compounds are ingested or inhaled, and bioaccumulation. All readily available data including studies retrieved from literature searches and documents prepared by EPA were considered in EPA's assessment of the availability of copper ion from the copper phthalocyanine pigments.

1. *Copper ion.* Copper is recognized as an essential element. It is essential to a number of normal physiological processes including erythropoieses, connective tissue metabolism, bone development, and nervous system function. The National Academy of Sciences' recommended daily allowance (RDA) for adults is 2.0 to 3.0 milligrams (mg) copper/day. Copper is also used as a hematinic (to stimulate red blood cell production) in adults at a dose of 3.8 to 7.6 mg/day.

a. *Human health effects.* Copper poisoning has been demonstrated in animals and identified in humans. The liver is the main storage depot for copper, and hepatic damage is associated with the accumulation of high levels of copper. Hepatic toxicity is characterized by hepatocellular necrosis, regenerative activity, and cirrhosis. Kidney necrosis and elevated levels of serum copper occur only after the liver begins to accumulate high levels of copper. These elevated serum copper levels can progress to sudden hemolytic anemia and jaundice.

The types of neurological effects associated with copper poisoning can include demyelination and cerebral degeneration. These effects are thought to be related to defects in catecholamine metabolism. Alterations in brain neurotransmitter systems have been observed in rats following intraperitoneal injections of 2 milligrams/kilogram/day (mg/kg/day) for 21 days. Two groups are at an increased risk from copper exposure. Individuals with Wilson's disease, an inborn error in copper metabolism, are at a higher risk than the general population. The metabolic error in Wilson's disease allows copper to accumulate in the liver, brain, kidney, and cornea, causing hemolytic anemia, neurological abnormalities, and corneal opacity. In addition, individuals with glucose-6-phosphate dehydrogenase deficiencies may also be at greater risk of experiencing toxic effects from copper exposure.

Copper is classified in EPA's group D (insufficient data) for carcinogenic potential. Copper is generally negative in mutagenicity bioassays. Bioassays using oral copper were negative; subcutaneous injection of copper compounds has been reported to induce tumor formation in one sex and strain of mice.

EPA has proposed a maximum contaminant level (MCL) of 1.3 milligrams/liter (mg/L) (3.6 mg/day) copper.

b. *Ecological effects.* Copper is very toxic to aquatic life. It is sometimes used as a biocide to control undesirable aquatic plants. EPA has issued Water Quality Criteria for copper to protect aquatic life. The acute criteria in fresh water is 22 micrograms/liter (ug/L). The chronic criteria in fresh water is 5.2 ug/L. In salt water both the acute and chronic criteria are 1 ug/L.

2. *Availability of copper ion.* The three copper phthalocyanine pigments are extremely stable to chemically and biologically induced transformations.

a. *Thermal stability.* The three copper pigments are extremely stable thermally and only begin to show signs of decomposition at temperatures above 500 °C.

b. *Hydrolysis.* The three copper pigments have very low solubilities in water (estimates are 8×10^{-7} to 3×10^{-4} mg/L for Pigment Blue 15, 7×10^{-18} to 2×10^{-16} mg/L for Pigment Green 7, and less than 10^{-18} mg/L for Pigment Green 36) and do not dissociate or hydrolyze in water under environmental conditions. Hydrolysis of the three copper pigments also does not occur in basic and non-oxidizing acidic media.

c. *Photolysis.* Based on studies carried out to determine the light fastness of the three copper phthalocyanines, it appears that photolysis of these pigments with resultant release of copper ion will not occur.

d. *Abiotic oxidation.* Data indicate that under environmental conditions, abiotic oxidation of these copper

pigments does not occur. More rigorous conditions are required to effect the oxidation of the copper phthalocyanines and subsequent release of copper ion. The pigments can be chemically oxidized to give phthalimides and copper nitrate by boiling in dilute nitric acid. Oxidation of the pigments can also occur by treatment with ceric sulfate in dilute sulfuric acid at 25 °C, or by reaction with potassium permanganate.

e. *Microbial transformations.* No data on the anaerobic or aerobic biodegradability of the copper pigments were found. However, based on their extremely low solubility in water, their large cross-sectional diameter, and with the exception of the halogens on Pigment Green 7 and Pigment Green 36, the lack of substituent groups associated with facile primary degradation, these pigments are expected to be very resistant to degradation processes.

f. *Bioavailability.* On the basis of molecular weight, extremely low solubility in water, and data from subchronic toxicity tests, the three phthalocyanine pigments are not expected to be appreciably absorbed by any route of exposure or metabolized to yield copper ion.

The lack of toxicity and minimal changes in tissue copper levels observed in 13–week oral studies of Pigment Blue 15 and Pigment Green 7 in rodents indicate that appreciable absorption and metabolism to yield copper ion had not occurred.

g. *Bioaccumulation.* Because copper ion does not appear to be available from the phthalocyanine pigments, bioaccumulation of copper ion is not a concern.

h. *Summary.* EPA believes that the availability of copper ion from the phthalocyanine pigments by hydrolysis, photolysis, aerobic and anaerobic transformations is negligible. Copper ion is not expected to be bioavailable from the copper pigments. The copper pigments are not expected to be appreciably absorbed by any route of exposure or metabolized to yield the copper ion. The levels at which copper ion exhibits toxicity far exceed the expected limited availability of copper ion from the phthalocyanine pigments which results in a low level of concern for these chemicals. There could be a slight risk to aquatic life in rare situations. The small, infrequent risk is best controlled by control programs under the Clean Water Act, not by a global reporting requirement.

IV. Comments on the Proposed Exemption of the Three Phthalocyanine Pigments

EPA received comments from more than 22 commenters on the proposed exemption of the three copper phthalocyanine pigments from the "copper category" and on the category issue itself. Eleven commenters were in favor of granting the exemption, two were in favor of denying the exemption, and the remaining comments were directed only to the category issue.

The New York City Department of Environmental Protection believes that EPA should not exempt the copper pigments from reporting requirements under the copper compounds category because "it does not appear that EPA considered the possibility that copper may be released from the pigments by the action of soil micro-organisms. . . . If the action of bacteria liberates copper into the environment, then the release of the copper pigments represents an environmental hazard." EPA believes that because of the factors specified above (unit III.2.E) microbial degradation of the copper pigments with resultant release of copper ion is highly unlikely.

Arts, Crafts and Theater Safety suggests that before "EPA approves DCMA's petition DCMA should document the degree" to which polychlorinated biphenyls (PCBs) and free copper inadvertently contaminate phthalocyanine pigments manufactured or imported into the United States. Pursuant to 40 CFR 761.30, phthalocyanine pigments that contain up to 50 ppm PCBs can be processed and distributed in commerce. Processing and distribution of phthalocyanine pigments that contain 50 ppm or greater of PCBs is permitted only for persons who are granted an exemption under section 6(e)(3)(B) of the Toxic Substances Control Act (TSCA). PCBs are only reportable under section 313 if they are present at a concentration of 0.1 percent, which is the *de minimis* concentration (40 CFR 372.38).

The copper compounds category is subject to the one percent *de minimis* concentration. Thus, mixtures that contain copper compounds (except the three copper phthalocyanine pigments) in excess of the *de minimis* concentration should be factored into threshold and release determinations. EPA does not believe that phthalocyanine pigments contaminated with other copper compounds, and/or PCBs should be treated differently than other mixtures. The presence of these impurities did not affect EPA's decision to delete the three copper pigments.

V. Rulemaking Record

The record supporting this rule is contained in docket number OPTS–400030A. All documents, including the index of the docket, are available to the public in the TSCA Public Docket Office from 8 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday, excluding legal holidays. The TSCA Public Docket Office is located at EPA Headquarters, Room NE–G004, 401 M St., SW., Washington, DC 20460.

VI. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore, requires a Regulatory Impact Analysis. EPA has determined that this rule is not a "major rule" because it will not have an effect on the economy of $100 million or more.

This rule would decrease the impact of the section 313 reporting requirements on covered facilities and would result in cost-savings to industry, EPA, and States. Therefore, this is a minor rule under Executive Order 12291.

There are 6 major producers, 16 processors of the crude pigment to pigment grade, and 21 importers of Pigment Blue-15 at a total of 45 sites. There may be 1 producer, approximately 14 processors, and 12 importers of Pigment Green-7 at a total of 26 sites. There are approximately 5 processors and 4 importers of Pigment Green-36 at a total of 9 sites. EPA estimates the number of producers, processors, and importers that might be subject to reporting under the current threshold requirements to be no more than 80. The cost savings of exempting industry from reporting requirements for these three copper phthalocyanine pigments under the "copper category" are estimated at one million dollars, while the savings for EPA are estimated to be $25,000 (10–year present values using a 10 percent discount rate).

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act of 1980, the Agency must conduct a small business analysis to determine whether a substantial number of small entities will be significantly affected. Because the rule results in cost savings to facilities, the Agency certifies that small entities will not be significantly affected by the rule.

C. Paperwork Reduction Act

This rule does not have any information collection requirements under the provisions of the Paperwork

Reduction Act of 1980, 44 U.S.C. 3501 et seq.

List of Subjects in 40 CFR Part 372

Chemicals, Community right-to-know, Environmental protection, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: May 15, 1991.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR part 372 is amended as follows:

1. The authority citation for part 372 continues to read as follows:

Authority: 42 U.S.C. 11023 and 11048.

§ 372.65 [Amended]

2. In § 372.65(c) by adding the following language to the copper compounds listing "(except for C.I. Pigment Blue 15 (PB–15, CAS No. 147–14–8), C.I. Pigment Green 7 (PG–7, CAS No. 1328–53–6), and C.I. Pigment Green 36 (PG–36, CAS No. 14302–13–7)".

[FR Doc. 91–12292 Filed 5–22–91; 8:45 am]

BILLING CODE 6560–50–F

GENERAL SERVICES ADMINISTRATION

41 CFR Parts 301–1, 301–3, 301–7, 301–10, 301–11, 301–12, 301–14, 302–1, 302–2, 302–3, 302–4, 302–5, 302–6, 302–11, and 302–12

[FTR Amendment 17]

RIN 3090–AE36

Federal Travel Regulation; Pre-Employment Interview Travel Expenses and Relocation Expenses of New Appointees

AGENCY: Federal Supply Service, GSA.

ACTION: Final rule.

SUMMARY: This final rule implements provisions of the Federal Employees Pay Comparability Act of 1990 (Pub. L. 101–509, November 5, 1990) allowing, as a recruiting incentive, payment of pre-employment interview travel expenses to interviewees and the payment of certain relocation allowances to all new appointees.

EFFECTIVE DATE: The provisions of this final rule are effective February 14, 1991, and apply to all interviewees who perform travel on or after February 14, 1991, all new appointees appointed on or after February 14, 1991, and all student trainees who are assigned upon completion of college work on or after February 14, 1991.

FOR FURTHER INFORMATION CONTACT: Robert A. Clauson, Travel Management Division (FBT), Washington, DC 20406, telephone FTS 557–1253 or commercial (703) 557–1253.

SUPPLEMENTARY INFORMATION: Section 206 of the Federal Employees Pay Comparability Act of 1990 (FEPCA) (Pub. L. 101–509, November 5, 1990) amended title 5 of the United States Code by adding a new section 5706b, "Interview expenses", and modifying section 5723, "Travel and transportation expenses of new appointees and student trainees; manpower shortage positions."

Pre-employment Interview Travel Expenses

Section 206 of FEPCA authorizes the payment of pre-employment interview travel expenses. Prior to FEPCA, the payment of those expenses was limited to certain categories of employees established by Comptroller General decisions, or in the case of Senior Executive Service (SES) interviewees, by statute. FEPCA changes the prior practice by authorizing the payment of pre-employment interview travel expenses to all interviewees as determined necessary by the agency. This rule implements the new statutory provision. Part 301–1 has been divided into 3 subparts to clearly reflect that the payment of pre-employment interview travel expenses is discretionary with agencies, not an entitlement of prospective candidates for employment. Therefore, the General Services Administration (GSA) has developed a separate section related to pre-employment interview travel by an interviewee. The existing provisions of part 301–1 have been divided into subparts A and B without substantive change, and a new subpart C has been added to incorporate the new provisions. Subpart A contains general rules applicable throughout chapter 301. Subpart B encompasses general rules applicable solely to Government employees performing official travel. Subpart C adds the new provisions authorizing the payment of pre-employment interview travel expenses.

Relocation Expenses of New Appointees

Section 206 of FEPCA also expands the scope of new appointees who qualify for the payment of limited relocation allowances; i.e., travel expenses of the appointee, and transportation expenses of the immediate family and household goods. Prior to FEPCA, these limited allowances were payable only to new appointees to manpower shortage category positions, and to SES and certain Presidentially appointed positions. FEPCA extends the payment to all new appointees. It is important to note that the range of allowances payable to new appointees has not been changed, only the scope of individuals covered. This final rule reflects the change in the scope of individuals covered by amending part 302–1.

Prior to FEPCA, 41 CFR 302–1.10 contained the general rule prohibiting the payment of relocation allowances to new appointees. Section 302–1.11 stated the exception to the general rule. Since FEPCA has changed the general rule, and there is no longer any need for exceptions, § 302–1.10 has been modified to authorize payment of limited relocation allowances to all new appointees, and the § 302–1.11 exceptions to the general rule have been eliminated. For clarification, a definition of new appointees that encompasses all categories of appointees, including those covered under former § 302–1.11, has been added to the general definitions section (§ 302–1.4). This definition clarifies the meaning of the term "new appointee" which was previously defined by a cross reference to § 302–1.11.

Technical Correction

This rule also corrects an incorrect reference in § 301–7.1(b)(6) without any substantive change to the provision.

GSA has determined that this rule is not a major rule for the purposes of Executive Order 12291 of February 17, 1981, because it is not likely to result in an annual effect on the economy of $100 million or more; a major increase in costs to consumers or others; or significant adverse effects. GSA has based all administrative decisions underlying this rule on adequate information concerning the need for and consequences of this rule; has determined that the potential benefits to society from this rule outweigh the potential costs and has maximized the net benefits; and has chosen the alternative approach involving the least net cost to society.

List of Subjects

41 CFR Parts 301–1, 301–3, 301–7, 301–10, 301–11, 301–12, and 301–14

Interviewees, Travel, Travel allowances, Travel and transportation expenses.

41 CFR Parts 302–1, 302–2, 302–3, 302–4, 302–5, 302–6, 302–11, and 302–12

New appointees, Relocation allowances and entitlements, Transfers.

For the reasons set out in the preamble, title 41, chapters 301 and 302 of the Code of Federal Regulations are amended as set forth below:

PART 301–1—APPLICABILITY AND GENERAL RULES

1. The authority citation for part 301–1 continues to read as follows:

Authority: 5 U.S.C. 5701–5709; 31 U.S.C. 1353; and E.O. 11609, July 22, 1971 (36 FR 13747).

§§ 301–1.4 through 301–1.6 [Redesignated as §§ 301–1.101 through 301–1.103]

2. Part 301–1 is amended by designating the existing §§ 301–1.1 through 301–1.3 as Subpart A—Authority, Applicability, and General Rules; redesignating §§ 301–1.4 through 301–1.6 as §§ 301–1.101 through 301–1.103 and adding new § 301–1.100, and designating §§ 301–1.100 through 301–1.103 as Subpart B—Official Government Business Travel; and by adding subpart C consisting of §§ 301–1.200 through 301–1.205 as set forth below. The table of contents of part 301–1 is revised to read as follows:

Subpart A—Authority, Applicability, and General Rules

Sec.
301–1.1 Authority.
301–1.2 Applicability.
301–1.3 General rules.

Subpart B—Official Government Business Travel

Sec.
301–1.100 Applicability.
301–1.101 Authorization of travel.
301–1.102 Guidelines for issuing travel authorizations.
301–1.103 Instructions/guidelines for travelers.

Subpart C—Pre-Employment Interview Travel

Sec.
301–1.200 Applicability.
301–1.201 Authorization of travel.
301–1.202 Responsibilities for pre-employment travel.
301–1.203 Allowable reimbursements.
301–1.204 Sources of funds.
301–1.205 Claims for reimbursement.

Subpart A—Authority, Applicability, and General Rules

3. Section 301–1.1 is revised to read as follows:

§ 301–1.1 Authority.

This chapter is issued under the authority of 5 U.S.C. 5701–5709, 40 U.S.C. 486(c), and 31 U.S.C. 1353.

4. Section 301–1.2 is amended by adding paragraph (d) to read as follows:

§ 301–1.2 Applicability.

* * * * *

(d) This chapter also applies to travel by individuals being considered for employment to and from pre-employment interviews determined necessary by an agency.

5. Section 301–1.3 is amended by redesignating paragraphs (c) (3) through (9) as (c) (4) through (10), and adding new paragraph (c)(3) as follows:

§ 301–1.3 General rules.

* * * * *

(c) * * *

(3) *Interviewee.* As used in this chapter, "interviewee" means an individual who is being considered for employment by an agency.

* * * * *

Subpart B—Official Government Business Travel

6. Section 301–1.100 is added to read as follows:

§ 301–1.100 Applicability.

This subpart applies to employees as defined in § 301–1.3(c)(2) who are traveling on official business.

§ 301–1.101 [Amended]

7. Newly designated § 301–1.101(b)(3) is amended by removing the reference "§ 301–1.5" and adding in its place the reference "§ 301–1.102".

8. Subpart C is added to read as follows:

Subpart C—Pre-Employment Interview Travel

§ 301–1.200 Applicability.

(a) *Individuals covered.* This subpart is applicable to interviewees as defined in § 301–1.3(c)(3).

(b) *Policy.* Unless otherwise stated, the allowances established in this subpart for interviewees are analogous to those available to Federal employees traveling on official Government business. However, an agency is not required to offer all allowances to each interviewee. (See § 301–1.203(a)(2).)

§ 301–1.201 Authorization of travel.

(a) *Authority for payment.* Agencies may pay allowable preemployment interview travel expenses (as defined in § 301–1.203) for individuals determined eligible under paragraph (b) of this section.

(b) *Eligibility determination.* Each agency shall establish criteria for determining which applicants will qualify for the payment of pre-employment interview travel expenses. The Office of Personnel Management has issued guidelines at 5 CFR part 572 for agencies to follow in making these personnel determinations.

§ 301–1.202 Responsibilities for pre-employment travel.

(a) *Agency responsibilities*—(1) *General rule.* Agencies shall adhere to the general travel authorization policies and practices contained in Subpart B of this part.

(2) *Limitations on type of authorization.* Pre-employment interview travel may be authorized only on a trip-by-trip basis. Limited or unlimited open authorizations shall not be used for pre-employment interview travel.

(3) *Responsibility of agencies to inform interviewees of Government travel policies.* Agencies shall communicate the Government travel rules and procedures to interviewees. Agencies should ensure the interviewee understands how travel reimbursements are calculated. Agencies also should provide assistance to the interviewee in the preparation of travel vouchers.

(4) *Limitations on the ability of agencies to authorize pre-employment travel expenses to defray unauthorized relocation expenses.* Agencies shall not authorize pre-employment interview travel expense reimbursement for the purpose of helping defray relocation expenses that are not allowable for a new appointee under § 302–1.10. For example, an agency may not pay pre-employment travel expenses under this subpart so that an interviewee/new appointee may look for a house at his/her prospective first duty station.

(b) *Interviewee responsibilities*—(1) *General rule.* The interviewee is expected to exercise the same care in incurring expenses that a prudent person would exercise if traveling on personal business.

(2) *Use of travel agencies.* Tickets should be provided by the interviewing agency. However, the interviewing agency may authorize the interviewee to obtain tickets directly from a travel management center under contract to the Government.

(3) *Use of contract carriers.* Interviewees of mandatory users of the Government's city pair contracts with airlines and Amtrak are bound by rules outlined in § 301–2.2 (c) and (d)(1)(ii)(A).

(4) *Interviewee's potential liability notice.* The interviewee is accountable for all transportation tickets and U.S. Government Transportation Requests (GTR's) issued for use in performing pre-employment interview travel. Agencies shall provide written instructions to the interviewee at the time an authorization is issued explaining agency

administrative procedures for controlling and accounting for passenger transportation documents. If the interview trip is cancelled or rescheduled after tickets (or GTR's) are issued to the interviewee, the interviewee is liable for the value of the tickets issued until all ticket coupons have been used for pre-employment interview travel or all unused tickets or coupons have been properly accounted for on the travel voucher. A statement to this effect shall be incorporated on the travel authorization, or issued as a "Notice to Traveler" and attached to the ticket or GTR when issued to the interviewee. The interviewee and the interviewing agency shall be bound by the same rules that apply to employee travelers and agencies in § 301–3.5.

(5) *Billing information for ticket exchanges.* When an interviewee exchanges a ticket for one of lesser value, the carrier should issue a receipt or a ticket refund application and is required to make refund directly to the appropriate agency billing office. To facilitate this refund procedure, agencies shall provide interviewees with a "bill charges to" address by attaching a copy of the GTR or some other document containing this information to either the ticket or travel authorization as provided in 41 CFR 101–41.210–1.

§ 301–1.203 Allowable reimbursements.

(a) *Allowable expenses.* (1) An agency may pay to or on behalf of an interviewee the same travel expenses to which a Government employee traveling on official business would be entitled, with the exception of those expenses listed in paragraph (b) of this section. Allowable expenses are subject to the limitations applicable to a Government employee traveling on official business.

(2) An agency may pay all or a part of pre-employment travel expenses. However, an agency electing to pay only subsistence or only common carrier transportation costs must pay the full amount to which a Government employee would be entitled for those expenses authorized. Paying less than the full reimbursement for common carrier tickets could make the interviewee ineligible for Government discounts.

(b) *Unallowable expenses.* An agency shall not pay expenses for:

(1) Use of communication services as defined in Part 301–6 for purposes other than communication directly related to travel arrangements for the Government interview.

(2) Hire of a room as defined in § 301–9.1(b).

§ 301–1.204 Sources of funds.

(a) *Payment of travel expenses*—(1) *Transportation expenses by common carrier, other than local transportation.* Interviewee transportation by common carrier, other than local transportation, shall be paid for through the use of a GTR or a centrally billed account as provided in § 301–15.45. Common carrier transportation includes air, bus, and rail.

(2) *Other authorized expenses.* All other authorized expenses shall be paid for by the interviewee. The agency shall reimburse the interviewee for allowable travel expenses upon submission and approval of a travel voucher.

(b) *Unallowable sources*—(1) *Government issued individual employee charge cards.* Individual employee charge cards (see § 301–15.44) may not be used for pre-employment interview travel. However, centrally billed accounts (see § 301–15.45) may be used to pay the interviewee's allowable transportation expenses.

(2) *Travel advances.* An interviewee shall not be issued a travel advance.

(3) *Travelers checks.* Government contractor issued travelers checks (see § 301–15.46) may not be used for pre-employment interview travel.

§ 301–1.205 Claims for reimbursement.

(a) *Fraudulent claims.* A claim against the United States is forfeited if the claimant attempts to defraud the Government in connection therewith (28 U.S.C. 2514). In addition, there are two criminal provisions under which severe penalties may be imposed on a traveler who knowingly presents a false, fictitious, or fraudulent claim against the United States (18 U.S.C. 287 and 1001).

(b) *Maintenance of receipts and records.* All interviewees authorized to travel should keep a record of expenditures properly chargeable to the Government. Although receipt requirements vary with the method of reimbursement, it would be prudent for interviewees to retain all receipts until reimbursement claims are settled. The agency should alert the interviewee to such requirements.

(c) *Preparation and submission of travel vouchers.* (1) Interviewees are responsible for the preparation and submission of travel vouchers, although agencies should assist in this process. Travel voucher forms may be typed or handwritten in ink. Only the original travel voucher must be signed by the interviewee.

(2) Agencies are to prescribe the administrative procedures, consistent with those in § 301–11.4, for interviewees to follow in submitting travel vouchers.

(d) *Review of travel vouchers of interviewees.* Agencies shall review the travel vouchers of interviewees in the same manner as they review the travel vouchers of Government employees on official business travel as provided in part 301–11.

PART 301–3—USE OF COMMERCIAL TRANSPORTATION

9. The authority citation for part 301–3 continues to read as follows:

Authority: 5 U.S.C. 5701–5709; E.O. 11609, July 22, 1971 (36 FR 13747).

§ 301–3.5 [Amended]

10. Section 301–3.5(a)(2) is amended by removing the reference "§ 301–1.6(a)" and adding in its place the reference "§ 301–1.103(a)".

11. Section 301–3.5(b) is amended by removing the reference "§ 301–1.6" and adding in its place the reference "§ 301–1.103".

PART 301–7—PER DIEM ALLOWANCES

12. The authority citation for part 301–7 continues to read as follows:

Authority: 5 U.S.C. 5701–5709; E.O. 11609, July 22, 1971 (36 FR 13747).

§ 301–7.1 [Amended]

13. Section 301–7.1(b)(2) is amended by removing the reference "§ 301–1.3(c)(5)" and adding in its place the reference "§ 301–1.3(c)(6)".

14. Section 301–7.1(b)(6) is amended by removing the reference "paragraphs (b)(5) (i) and (ii)" and adding in its place the reference "paragraphs (b)(6) (i) and (ii)".

§ 301–7.5 [Amended]

15. Section 301–7.5(a) is amended by removing the reference "§ 301–1.3(c)(3)" and adding in its place the reference "§ 301–1.3(c)(4)".

PART 301–10—SOURCES OF FUNDS

16. The authority citation for part 301–10 continues to read as follows:

Authority: 5 U.S.C. 5701–5709; E.O. 11609, July 22, 1971 (36 FR 13747).

§ 301–10.2 [Amended]

17. Section 301–10.2(a)(3) is amended by removing the reference "§ 301–1.6(a)" and adding in its place the reference "§ 301–1.103(a)".

18. Section 301–10.2(b)(3) is amended by removing the reference "§ 301–1.6(b)" and adding in its place the reference "§ 301–1.103(b)", and by removing the reference "§ 301–1.6(b)" and adding in its place the reference "§ 301–1.103(b)".

PART 301–11—CLAIMS FOR REIMBURSEMENT

19. The authority citation for part 301–11 continues to read as follows:

Authority: 5 U.S.C. 5701–5709; E.O. 11609, July 22, 1971 (36 FR 13747).

§ 301–11.5 [Amended]

20. Section 301–11.5(g) is amended by removing the reference "§ 301–1.5(c)" and adding in its place the reference "§ 301–1.102(c)".

§ 301–11.6 [Amended]

21. Section 301–11.6(b) is amended by removing the reference "§ 301–1.4" and adding in its place the reference "§ 301–1.101".

PART 301–12—EMERGENCY TRAVEL OF EMPLOYEE DUE TO ILLNESS OR INJURY ON A PERSONAL EMERGENCY SITUATION, WITHIN OR OUTSIDE CONUS

22. The authority citation for part 301–12 continues to read as follows:

Authority: 5 U.S.C 5701–5709; E.O. 11609, July 22, 1971 (36 FR 13747).

§ 301–12.4 [Amended]

23. Section 301–12.4(d) is amended by removing the reference "§ 302–1.4(e)" and adding in its place the reference "§ 302–1.4(f)".

PART 301–14—PAYMENT OF SUBSISTENCE AND TRANSPORTATION EXPENSES FOR THREATENED LAW ENFORCEMENT/ INVESTIGATIVE EMPLOYEES

24. The authority citation for part 301–14 continues to read as follows:

Authority: 5 U.S.C. 5701–5709; E.O. 11609, July 22, 1971 (36 FR 13747).

§ 301–14.4 [Amended]

25. Section 301–14.4 is amended by removing the reference "§ 302–1.4(e)" and adding in its place the reference "§ 302–1.4(f)".

PART 302–1—APPLICABILITY, GENERAL RULES, AND ELIGIBILITY CONDITIONS

26. The authority citation for part 302–1 continues to read as follows:

Authority: 5 U.S.C. 5721–5734; 20 U.S.C. 905(a); E.O. 11609, July 22, 1971 (36 FR 13747).

27. The table of contents for subpart A is revised to read as follows:

Subpart A—New Appointees and Transferred Employees

Sec.

* * * * *

302–1.10 New Appointees.
302–1.11 [Reserved]

* * * * *

Subpart A—New appointees and Transferred Employees

28. Section 302–1.2 is amended by removing paragraph (a)(7), and revising paragraphs (a) (4) and (5) to read as follows:

§ 302–1.2 Applicability.

(a) * * *

(4) New appointees to any position.

(5) Student trainees assigned upon completion of college work to any position.

* * * * *

29. Section 302–1.3 is amended by removing paragraph (a)(3); redesignating paragraphs (a) (4) and (5) as paragraphs (a) (3) and (4); and revising paragraph (a)(2) to read as follows:

§ 302–1.3 General provisions.

(a) * * *

(2) New appointees, as defined in § 302–1.4(d), relocating from their place of actual residence at the time of appointment (or at the time following the most recent Presidential election, but before selection or appointment, in the case of individuals who have performed transition activities under Section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) and who are appointed in the same fiscal year as the Presidential inauguration that immediately follows their transition activities) for permanent duty to official stations.

* * * * *

§ 302–1.3 [Amended]

30. Section 302–1.3(c) is amended by removing the reference "§ 302–1.11(b)" and adding in its place "§ 302–1.10(c)", and by removing the reference "§ 302–1.5" and adding in its place the reference "§ 302–1.102".

31. Section 302–1.3(d) is amended by removing the reference "§ 302–1.4(k)" and adding in its place the reference "§ 302–1.4(l)".

32. Section 302–1.4 is amended by redesignating paragraphs (d) through (k) as paragraphs (e) through (l), by revising paragraph (c), and adding new paragraph (d) to read as follows:

§ 302–1.4 Definitions.

* * * * *

(c) *Employee.* A civilian officer or employee of an *agency* as defined in paragraph (e) of this section. The term also includes new appointees as defined in paragraph (d) of this section.

(d) *New appointee. New appointee* includes any person newly appointed to Government service, including an individual who has performed transition activities under section 3 of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) and who is appointed in the same fiscal year as the Presidential inauguration that immediately follows his/her transition activities. *New appointee* also includes an individual appointed after a break in service except that an employee separated as a result of reduction in force or transfer of function may be treated as a transferee instead of a new appointee under the conditions set out in § 302–1.9. In addition, for purposes of chapters 301–304 of this title 41, the term *new appointee* includes a student trainee who is assigned upon completion of college work.

* * * * *

33. Section 302–1.5 is amended by revising paragraph (a) to read as follows:

§ 302–1.5 Service agreements.

(a) *Transfers within the continental United States and appointments and assignments of new appointees and student trainees to any position within the United States.* In connection with the transfer of employees between official stations within the continental United States, expenses authorized under this chapter shall not be allowed until the employee selected for such transfer agrees in writing to remain in the service of the Government for 12 months following the effective date of the transfer, unless separated for reasons beyond his/her control that are acceptable to the agency concerned. In case of a violation of such an agreement, including failure to effect the transfer, any funds expended by the United States for expenses authorized under this chapter shall be recoverable from the individual concerned as a debt due the United States. Such an agreement also is required from new appointees and student trainees appointed or assigned to any position within the United States, as a condition of payment for travel, transportation, moving and/or storage of household goods, and allowances as provided in § 302–1.10. A signed agreement for 12 months' service shall be required for each permanent change of station.

* * * * *

§ 302-1.7 [Amended]

34. Section 302-1.7(b) is amended by removing the reference "§ 302-1.11" and adding in its place the reference "§ 302-1.10".

35. Section 302-1.10 is revised to read as follows:

§ 302-1.10 New appointees.

(a) *Coverage.* New appointees to any position are eligible for payment only of those travel and transportation expenses listed in paragraph (d) of this section in relocating to their first official station. New appointees include student trainees who are assigned upon completion of college work. New appointees include not only individuals when first appointed to Government service but also individuals appointed after a break in service except that employees separated as a result of reduction in force or transfer of function may be treated as transferees instead of new appointees under the conditions set forth in § 302-1.9.

(b) *Agency responsibility.* Because new appointees usually lack experience in Government procedures, each agency shall adopt special measures to provide full information to new appointees concerning the benefits which may be available to them for travel and transportation involved in reporting to their official stations. Special care shall be taken to inform appointees of the limitations on available benefits.

(c) *Procedural requirements*—(1) *Agreement.* No payment for otherwise allowable expenses or for an advance of funds shall be made unless the appointee or student trainee has signed the agreement appropriate in his/her case as provided in § 302-1.5.

(2) *Travel before appointment.* Authorized expenses may be paid even though the individual concerned has not been appointed at the time travel to the first official station is performed. For individuals who have performed Presidential transition activities, as described in § 302-1.3(a)(2), allowable travel and transportation may take place at any time following the most recent Presidential election. However, entitlement to such expenses does not vest by virtue of selection for the position or authorization for travel as provided in § 302-1.3(c) but vests only upon actual appointment of the individual concerned. However, nothing in this paragraph shall be construed to limit the provisions of part 301-1, subpart C, allowing the payment of pre-employment interview travel.

(3) *Prior payment.* A student trainee may not receive payments at the time of his/her assignment if the expenses of travel and transportation were paid at the time he/she was appointed as a student trainee.

(d) *Allowable expenses.* Items of expense listed in paragraphs (d) (1) through (6) of this section are payable under the conditions prescribed in this chapter governing the allowance in question. Note particularly that not all of the listed items will be applicable in each situation covered by this part.

(1) Travel expenses including per diem for the appointee or student trainee as set forth in § 302-2.1;

(2) Transportation for immediate family of appointee or student trainee as set forth in § 302-2.2(a);

(3) Mileage if privately owned vehicle is used in travel as set forth in § 302-2.3;

(4) Transportation and temporary storage of household goods as set forth in part 302-8;

(5) Nontemporary storage of household goods if appointed to an isolated location as set forth in § 302-9.1; and

(6) Transportation of mobile homes as set forth in Part 302-7.

(e) *Expenses not allowable.* Items of expense not listed in paragraph (d) of this section which are authorized for reimbursement in case of transfers under this chapter (e.g., per diem for family, cost of house-hunting trip, subsistence while occupying temporary quarters, a miscellaneous expense allowance, residence sale and purchase expenses, lease-breaking expenses, and relocation services) are not allowable to appointees and student trainees eligible under this section.

(f) *Alternate origin and destination.* The limit on travel and transportation expenses in each individual case is the cost of direct travel or transportation as allowable between the individual's place of residence at the time of selection or assignment (or in the case of individuals having performed Presidential transition activities, as described in § 302-1.3(a)(2), the place of residence at the time of relocation following the most recent Presidential election) and the official station to which he/she is appointed or assigned; however, travel and transportation may be from and/or to other locations if the new appointee or student trainee pays any excess cost involved in such alternate travel or transportation.

(g) *Advance of funds.* An advance of funds for expenses allowable under this section may be made to appointees and student trainees under the procedures prescribed in § 302-1.14(a) and the part of this regulation governing the allowance being considered.

§ 302-1.11 [Reserved]

36. Section 302-1.11 is removed and reserved.

§ 302-1.12 [Amended]

37. Section 302-1.12(f) is amended by removing the reference "§ 302-1.4(e)" and adding in its place the reference "§ 302-1.4(f)".

38. Section 302-1.12(g) is amended by removing the reference "§ 302-1.4(e)" and adding in its place the reference "§ 302-1.4(f)".

PART 302-2—ALLOWANCES FOR SUBSISTENCE AND TRANSPORTATION

39. The authority citation for part 302-2 continues to read as follows:

Authority: 5 U.S.C. 5721-5734; 20 U.S.C. 905(a); E.O. 11609, July 22, 1971 (36 FR 13747).

§ 302-2.1 [Amended]

40. Section 302-2.1 is amended by removing the phrase "(including those covered in § 302-1.11)".

§ 302-2.2 [Amended]

41. Section 302-2.2(c)(1) is amended by removing the phrase ", including those covered in § 302-1.11".

§ 302-2.3 [Amended]

42. Section 302-2.3(a) is amended by removing the phrase ", including those covered in § 302-1.11".

PART 302-3—ALLOWANCE FOR MISCELLANEOUS EXPENSES

43. The authority citation for part 302-3 continues to read as follows:

Authority: 5 U.S.C. 5721-5734; 20 U.S.C. 905(a); E.O. 11609, July 22, 1971 (36 FR 13747).

§ 302-3.2 [Amended]

44. Section 302-3.2(b) is amended by removing the phrase "including those covered under § 302-1.11,".

PART 302-4—TRAVEL TO SEEK RESIDENCE QUARTERS

45. The authority citation for part 302-4 continues to read as follows:

Authority: 5 U.S.C. 5721-5734; 20 U.S.C. 905(a); E.O. 11609, July 22, 1971 (36 FR 13747).

§ 302-4.3 [Amended]

46. Section 302-4.3(b) is amended by removing the phrase "covered under § 302-1.11".

PART 302-5—SUBSISTENCE WHILE OCCUPYING TEMPORARY QUARTERS

47. The authority citation for part 302-5 continues to read as follows:

Authority: 5 U.S.C. 5721–5734; 20 U.S.C. 905(a); E.O. 11609, July 22, 1971 (36 FR 13747).

§ 302–5.2 [Amended]

48. Section 302–5.2(a) is amended by removing the reference "§ 302–1.4(e)" and adding in its place the reference "§ 302–1.4(f)".

PART 302–6—ALLOWANCE FOR EXPENSES INCURRED IN CONNECTION WITH RESIDENCE TRANSACTIONS

49. The authority citation for part 302–6 continues to read as follows:

Authority: 5 U.S.C. 5721–5734; 20 U.S.C. 905(a); E.O. 11609, July 22, 1971 (36 FR 13747).

§ 302–5.1 [Amended]

50. Section 302–5.1(b) is amended by removing the reference "§ 302–1.4(j)" and adding in its place the reference "§ 302–1.4(k)".

PART 302–11—RELOCATION INCOME TAX (RIT) ALLOWANCE

51. The authority citation for part 302–11 continues to read as follows:

Authority: 5 U.S.C. 5721–5734; 20 U.S.C. 905(a); E.O. 11609, July 22, 1971 (36 FR 13747); E.O. 12466, February 27, 1984 (49 FR 7349).

52. Section 302–11.2(a) is amended by removing the reference "§ 302–1.4(k)" and adding in its place the reference "§ 302–1.4(l)"; and § 302–11.2 is amended by revising paragraph (b)(1) to read as follows:

§ 302–11.2 Coverage.

* * * * *

(b) * * *

(1) New appointees;

* * * * *

53. Section 302–11.4 is amended by adding paragraph (g) to read as follows:

§ 302–11.4 Exclusions from coverage.

* * * * *

(g) Any tax liability resulting from the payment of recruitment, retention, or relocation bonuses authorized by the Office of Personnel Management pursuant to 5 U.S.C. 5753 and 5754, or any other provisions which allow relocation payments that are not reimbursements for travel, transportation, and other expenses incurred in relocation.

PART 302–12—USE OF RELOCATION SERVICE COMPANIES

54. The authority citation for part 302–12 continues to read as follows:

Authority: 5 U.S.C. 5721–5734; 20 U.S.C. 905(a E.O. 11609, July 22, 1971 (36 FR 13747); E.O. 12466, February 27, 1984 (49 FR 7349); E.O. 12522, June 24, 1985 (50 FR 26337).

§ 302–12.1 [Amended]

55. Section 302–12.1 is amended by removing the reference "§ 302–1.4(d)" and adding in its place the reference "§ 302–1.4(e)".

§ 302–12.4 [Amended]

56. Section 302–12.4(a)(1) is amended by removing the reference "§ 302–1.4(k)" and adding in its place the reference "§ 302–1.4(l)".

Dated: May 6, 1991.

Richard G. Austin,

Administrator of General Services.

[FR Doc. 91–12252 Filed 5–22–91; 8:45 am]

BILLING CODE 6820–24–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA 4515]

List of Communities Eligible for the Sale of Flood Insurance

AGENCY: Federal Emergency Management Agency.

ACTION: Final rule.

SUMMARY: This rule identifies communities participating in the National Flood Insurance Program (NFIP). These communities have applied to the program and have agreed to enact certain floodplain management measures. The communities' participation in the program authorizes the sale of flood insurance to owners of property located in the communities listed.

EFFECTIVE DATE: The dates listed in the fourth column of the table.

ADDRESSES: Flood insurance policies for property located in the communities listed can be obtained from any licensed property insurance agent or broker serving the eligible community, or from the National Flood Insurance Program (NFIP) at: Post Office Box 457, Lanham, Maryland 20706, Phone: (800) 638–7418.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646–2717, Federal Center Plaza, 500 C Street, SW., room 417, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Since the communities on the attached list have recently entered the NFIP, subsidized flood insurance is now available for property in the community.

In addition, the Director of the Federal Emergency Management Agency has identified the special flood hazard areas in some of these communities by publishing a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM). The date of the flood map, if one has been published, is indicated in the fifth column of the table. In the communities listed where a flood map has been published, section 102 of the Flood Disaster Protection Act of 1973, as amended, requires the purchase of flood insurance as a condition of Federal or federally related financial assistance for acquisition or construction of buildings in the special flood hazard area shown on the map.

The Director finds that the delayed effective dates would be contrary to the public interest. The Director also finds that notice and public procedure under 5 U.S.C. 553(b) are impracticable and unnecessary.

The Catalog of Domestic Assistance Number for this program is 83.100 "Flood Insurance."

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, to whom authority has been delegated by the Director, FEMA, hereby certifies that this rule, if promulgated will not have a significant economic impact on a substantial number of small entities. This rule provides routine legal notice stating the community's status in the NFIP and imposes no new requirements or regulations on participating communities.

List of Subjects in 44 CFR Part 64

Flood insurance and floodplains.

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

In each entry, a complete chronology of effective dates appears for each listed community. The entry reads as follows:

§ 64.6 List of Eligible Communities.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community [3]	Current effective map date
New Eligibles—Emergency Program			
Kentucky: Fleming County, unincorporated areas	210335	Apr. 10, 1991	
Iowa: Ely, city of, Linn County	190440	Apr. 29, 1991	7-30-76
New Eligibles—Regular Program			
Idaho: Fremont County, unincorporated areas	160061	Apr. 10, 1991	3-18-91
Kentucky: Henderson County, unincorporated areas	210286	Apr. 10, 1991	2-6-91
Georgia:			
Bibb County,[1] unincorporated areas	130500	June 11, 1971, Emerg; Sept. 28, 1979, Reg	4-2-90
Macon,[1] city of, Bibb and Jones Counties	130011	June 11, 1971, Emerg; Sept. 28, 1979, Reg	4-2-90
Lowndes County, unincorporated areas	130469	Apr. 23, 1991	10-18-83
Reinstatements—Regular Program			
New York:			
Lincoln, town of, Madison County	360405	Sept. 10, 1975, Emerg; Sept. 4, 1985, Reg; Dec. 15, 1989, Susp; Apr. 4, 1991, Rein.	12-15-89
Solon, town of, Cortland County	361329	Feb. 2, 1976, Emerg; May 15, 1985, Reg; June 15, 1988, Susp; Apr. 9, 1991, Rein.	5-15-89
Pennsylvania:			
Union, township of, Bedford County	421352	Apr. 29, 1975, Emerg; Sept. 14, 1976, Susp; Feb. 22, 1984, Rein; June 1, 1989, Reg; June 1, 1989, Susp; Apr. 8, 1991, Rein.	6-1-85
Prompton, borough of, Wayne County	420666	June 25, 1975, Emerg; June 1, 1989, Reg; June 1, 1989, Susp; Apr. 10, 1991, Rein.	6-1-89
Manchester, township of, Wayne County	422168	Dec. 8, 1975, Emerg; Sept. 30, 1988, Reg; Sept. 30, 1988, Susp; Apr. 10, 1991, Rein.	9-30-88
South Creek, township of, Bedford County	421105	Oct. 15, 1975, Emerg; Sept. 5, 1990, Reg; Sept. 5, 1990, Susp; Apr. 10, 1991, Rein.	9-5-90
Cromwell, township of, Huntingdon County	421688	Apr. 20, 1976, Emerg; Dec. 4, 1985, Reg; Mar. 18, 1991, Susp; Apr. 22, 1991, Rein.	3-18-91
South Pymatuning, township of, Mercer County	421876	July 28, 1975, Emerg; Mar. 18, 1991, Reg; Mar. 18, 1991, Susp; Apr. 24, 1991, Rein.	3-18-91
North Carolina: Bryson City, town of, Swain County	370228	Mar. 25, 1975, Emerg; Dec. 4, 1984, Reg; Dec. 4, 1984, Susp; Apr. 10, 1991, Rein.	12-4-84
Maine: Jonesport, town of, Washington County	230138	Aug. 8, 1975, Emerg; May 3, 1990, Reg; May 3, 1990, Susp; Apr. 11, 1991, Rein.	5-3-90
Wisconsin: Sheboygan, city of, Sheboygan County	550430	Apr. 23, 1971, Emerg; May 15, 1977, Reg; Apr. 2, 1991, Susp; Apr. 2, 1991, Rein.	4-2-91
Ohio:			
Milan, village of, Erie County	390155	July 23, 1976, Emerg; Sept. 1, 1978, Reg; Apr. 2, 1990, Susp; Apr. 15, 1991, Rein.	9-1-78
Malvern,[2] village of, Carroll County	390052	May 14, 1975, Emerg; Apr. 2, 1990, Susp; May 15, 1991, Rein.	5-21-76
Vermont: Vergennes, city of, Addison County	500011	Mar. 25, 1975, Emerg; Sept. 18, 1986, Reg; June 18, 1990, Susp; Apr. 10, 1991, Rein.	9-18-86
Alabama: Paint Rock, town of, Jackson County	010214	July 30, 1975, Emerg; June 17, 1986, Reg; June 17, 1986, Susp; Apr. 12, 1991, Rein.	6-17-86
West Virginia: Grantsville, town of, Calhoun County	540021	Apr. 29, 1975, Emerg; Mar. 18, 1991, Reg; Mar. 18, 1991, Susp; Apr. 24, 1991, Rein.	3-18-91
Connecticut:			
Seymour, town of, New Haven County	090088	Dec. 18, 1974, Emerg; July 3, 1978, Reg; Apr. 16, 1991, Susp; Apr. 26, 1991, Rein.	4-16-91
Oxford, town of, New Haven County	090150	July 1, 1975, Emerg; Dec. 4, 1979, Reg; Mar. 18, 1991, Susp; Apr. 26, 1991, Rein.	3-18-91
Tennessee: Dyer County, unincorporated areas	470284	Feb. 18, 1975, Emerg; Mar. 1, 1982, Reg; Mar. 1, 1982, Susp; Apr. 30, 1991, Rein.	3-1-82
Region I—Regular Program Conversion			
New Jersey: Andover, township of, Sussex County	340527	Apr. 2, 2991, Suspension withdrawn	4-2-91
New York:			
Newport, village of, Kerkimer County	360315	....do	4-2-91
Walton, village of, Delaware County	360216	....do	4-2-91
Woodhull, town of, Steuben County	360876	....do	4-2-91
Region IV			
North Carolina:			
Bald Head Island, village of	370442	....do	4-2-91
Caswell Beach, town of, Brunswick County	370391	....do	4-2-91
Holden Beach, town of, Brunswick County	375352	....do	4-2-91
Ocean Isle Beach, town of, Brunswick County	375357	....do	4-2-91
South Carolina: Horry County, unincorporated areas	450104	....do	4-2-91
Region V			
Ohio:			
Richland County, unincorporated areas	390476	Apr. 2, 1991	4-2-91
Ross County, unincorporated areas	390480	....do	4-2-91
Region VI			
Texas:			
Allen, city of, Collin County	480131	....do	4-2-91
Brewster County, unincorporated areas	480084	....do	4-2-91
Lucas, city of, Collin County	481545	....do	4-2-91
Plano, city of, Collin County	480140	....do	4-2-91

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community [3]	Current effective map date
Region I			
Connecticut: Seymour, town of, New Haven County	090088	Apr. 16, 1991, Suspension withdrawn	4-16-91
Region III			
Pennsylvania:			
Brookville, borough of, Jefferson County	420510	do	4-16-91
Bullskin, township of, Fayette County	421622	do	4-16-91
Georges, township of, Fayette County	421626	do	4-16-91
German, township of, Fayette County	421627	do	4-16-91
North Union, township of, Fayette County	421633	do	4-16-91
South Union, township of, Fayette County	421637	do	4-16-91
Springfield, township of, Fayette County	421638	do	4-16-91
West Virginia:			
Boone County, unincorporated areas	540007	do	4-16-91
Glenville, city of, Gilmer County	540036	do	4-16-91
Madison, city of, Boone County	540008	do	4-16-91
Sand Fork, town of, Gilmer County	540037	do	4-16-91
Sophia, town of, Raleigh County	540174	do	4-16-91
Whitesville, town of, Boone County	540229	do	4-16-91
Region V			
Illinois: Wilmington, city of, Will County	170715	do	4-16-91
Region VI			
Arkansas: Jefferson County, unincorporated areas	050440	do	4-16-91
Minimal Conversion—Region V			
Michigan: Isabella, township of, Isabella County	260820	do	4-16-91

[1] Bibb County and the City of Macon, Georgia, originally joined the NFIP as one entity under the land use jurisdiction of the Macon-Bibb County Planning Commission. However, effective April 1, 1991, the two communities are eligible as separate communities. The City of Macon will maintain community number *130011* as shown above. Bibb County's community number is *130500* (new). The map dated 4-2-90 will be used for both communities for floodplain management and insurance purposes.
[2] Emergency Program Reinstatement.
[3] Code for reading third column: Emerg.—Emergency, Reg.—Regular, Susp.—Suspension, Rein.—Reinstatement.

Issued: May 14, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91-12286 Filed 5-22-91; 8:45 am]

BILLING CODE 6718-21-M

44 CFR PART 64

[Docket No. FEMA 7514]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If FEMA receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register.**

EFFECTIVE DATES: The third date (Susp.") listed in the fourth column.

FOR FURTHER INFORMATION CONTACT: Frank H. Thomas, Assistant Administrator, Office of Loss Reduction, Federal Insurance Administration, (202) 646-2717, Federal Center Plaza, 500 C Street, Southwest, room 417, Washington, DC 20472.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP), enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4022), prohibits flood insurance coverage as authorized under the National Flood Insurance Program (42 U.S.C. 4001-4128) unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this notice no longer meet that statutory requirement for compliance with program regulations (44 CFR part 59 et. seq.). Accordingly, the communities will be suspended on the effective date in the fourth column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register.** In the interim, if you wish to determine if a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate (FIRM). The date of the FIRM if one has been published, is indicated in the fifth column of the table. No direct Federal financial assistance (except assistance pursuant to the Disaster Relief Act of 1974 not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas. (Section 202(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column.

The Administrator finds that notice and public comment under 5 U.S.C.

553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

Pursuant to the provisions of 5 U.S.C. 605(b), the Administrator, Federal Insurance Administration, FEMA, hereby certifies that this rule if promulgated will not have a significant economic impact on a substantial number of small entities. As stated in section 2 of the Flood Disaster Protection Act of 1973, the establishment of local floodplain management together with the availability of flood insurance decreases the economic impact of future flood losses to both the particular community and the nation as a whole. This rule in and of itself does not have a significant economic impact. Any economic impact results from the community's decision not to (adopt) (enforce) adequate floodplain management, thus placing itself in noncompliance with the Federal standards required for community participation. In each entry, a complete chronology of effective dates appears for each listed community.

List of Subjects in 44 CFR Part 64

Flood insurance—floodplains.

1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et. seq., Reorganization Plan No. 3 of 1978, E.O. 12127.

2. Section 64.6 is amended by adding in alphabetical sequence new entries to the table.

§ 64.6 List of Eligible Communities.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community [1]	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
Region I—Regular Program Conversions				
Maine:				
Hancock, town of, Hancock County	230284	June 1, 1976, Emerg; June 3, 1991, Reg; June 3, 1991, Susp.	June 3, 1991	June 3, 1991.
Southwest Harbor, town of, Hancock County	230294	Jan. 13, 1976, Emerg; June 3, 1991, Reg; June 3, 1991, Susp.	June 3, 1991	Do.
Massachusetts: Auburn, town of, Worcester County	250292	Mar. 2, 1973, Emerg; June 1, 1978, Reg; June 3, 1991, Susp.	June 3, 1991	Do.
Vermont:				
Bradford, town of, Orange County	500069	Dec. 10, 1975, Emerg; June 3, 1991, Reg; June 3, 1991, Susp.	June 3, 1991	Do.
Bradford, village of, Orange County	500234	Mar. 19, 1976, Emerg; June 3, 1991, Reg; June 3, 1991, Susp.	June 3, 1991	Do.
Fairlee, town of, Orange County	500072	Apr. 17, 1975, Emerg; June 3, 1991, Reg; June 3, 1991, Susp.	June 3, 1991	Do.
Lemington, town of, Essex County	500212	July 1, 1975, Emerg; June 3, 1991, Reg; June 3, 1991, Susp.	June 3, 1991	Do.
Thetford, town of, Orange County	500075	Oct. 20, 1975, Emerg; June 3, 1991, Reg; June 3, 1991, Susp.	June 3, 1991	Do.
Region II				
Pennsylvania: Fairchance, borough of, Fayette County.	420463	Nov. 14, 1975, Emerg; Apr. 16, 1991, Reg; June 3, 1991, Susp.	June 3, 1991	Do.
West Virginia:				
Belmont, town of, Pleasants County	540253	Feb. 19, 1976, Emerg; June 3, 1991, Reg; June 3, 1991, Susp.	June 3, 1991	Do.
Pleasants County, unincorporated areas	540225	Dec. 24, 1975, Emerg; June 3, 1978, Reg; June 3, 1991, Susp.	June 3, 1991	Do.
St. Marys, city of, Pleasants County	540156	Apr. 18, 1975, Emerg; June 3, 1991, Reg; June 3, 1991, Susp.	June 3, 1991	Do.
Region IV				
North Carolina: Columbus County, unincorporated areas.	370305	July 6, 1979, Emerg; June 3, 1991, Reg; June 3, 1991, Susp.	June 3, 1991	Do.
South Carolina: Clarendon County, unincorporated areas.	450051	July 23, 1975, Emerg; June 3, 1991, Reg; June 3, 1991, Susp.	June 3, 1991	Do.
Region VI				
Arkansas: Portia, town of, Lawrence County	050121	May 5, 1975, Emerg; Aug. 31, 1982, Reg; June 3, 1991, Susp.	June 3, 1991	Do.
Region VII				
Kansas: Franklin County, unincorporated areas	200565	Oct. 19, 1978, Emerg; June 3, 1991, Reg; June 3, 1991, Susp.	June 3, 1991	Do.
Region X				
Idaho:				
Madison County, unincorporated areas	160217	Feb. 2, 1979, Emerg; June 3, 1991, Reg; June 3, 1991, Susp.	June 3, 1991	Do.
Rexburg, city of, Madison County	160098	June 18, 1975, Emerg; June 3, 1991, Reg; June 3, 1991, Susp.	June 3, 1991	Do.
Sugar City, city of, Madison County	160099	June 4, 1975, Emerg; June 3, 1991, Reg; June 3, 1991, Susp.	June 3, 1991	Do.
Region I				
Connecticut: Plainfield, town of, Windham County	090116	Feb. 20, 1975, Emerg; June 17, 1991, Reg; June 17, 1991, Susp.	June 17, 1991	June 17, 1991.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community [1]	Current effective map date	Date certain federal assistance no longer available in special flood hazard areas
Maine: Cranberry Isles, town of, Hancock County	230278	June 30, 1976, Emerg; June 17, 1991, Reg; June 17, 1991, Susp.	June 17, 1991	Do.
Massachusetts:				
Springfield, city of, Hampden County	250150	Feb. 9, 1973, Emerg; Feb. 1, 1980, Reg; June 17, 1991, Susp.	June 17, 1991	Do.
Topsfield, town of, Essex County	250106	Sept. 26, 1975, Emerg; June 4, 1980, Reg; June 17, 1991, Susp.	June 17, 1991	Do.
New Hampshire: Bridgewater, town of, Grafton County.	330046	Sept. 5, 1975, Emerg; June 17, 1991, Reg; June 17, 1991, Susp.	June 17, 1991	Do.
Vermont:				
Brunswick, town of, Essex County	500206	Aug. 7, 1975, Emerg; June 17, 1991, Reg; June 17, 1991, Susp.	June 17, 1991	Do.
Dummerston, town of, Windham County	500128	July 23, 1975, Emerg; June 17, 1991, Reg; June 17, 1991, Susp.	June 17, 1991	Do.
Guildhall, town of, Essex County	500047	Sept. 11, 1975, Emerg; June 17, 1991, Reg; June 17, 1991, Susp.	June 17, 1991	Do.
Ryegate, town of, Caledonia County	500030	Feb. 28, 1975, Emerg; June 17, 1991, Reg; June 17, 1991, Susp.	June 17, 1991	Do.
Vermont: West Windsor, town of, Windsor County	500301	Mar. 11, 1976, Emerg; June 17, 1991, Reg; June 17, 1991, Susp.	June 17, 1991	Do.
Region IV				
Alabama:				
Blount County, unincorporated areas	010230	July 22, 1987, Emerg; June 17, 1991, Reg; June 17, 1991, Susp.	June 17, 1991	Do.
Cherokee County, unincorporated areas	010234	June 24, 1986, Emerg; June 17, 1991, Reg; June 17, 1991, Susp.	June 17, 1991	Do.
Florida:				
Caryville, town of, unincorporated areas	120321	July 9, 1975, Emerg; Feb. 4, 1988, Reg; June 17, 1991, Susp.	June 17, 1991	Do.
Vernon, city of, Washington County	120322	Sept. 26, 1975, Emerg; Jan. 1, 1987, Reg; June 17, 1991, Susp.	June 17, 1991	Do.
Washington County, unincorporated areas	120407	Sept. 29, 1975, Emerg; June 17, 1991, Reg; June 17, 1991, Susp.	June 17, 1991	Do.
Washington County, unincorporated areas	120322	Sept. 26, 1975, Emerg; Jan. 1, 1987, Reg; June 17, 1991, Susp.	June 17, 1991	Do.
North Carolina: Burke County, unincorporated areas.	370034	Jan. 15, 1974, Emerg; June 17, 1991, Reg; June 17, 1991, Susp.	June 17, 1991	Do.
Region IX				
California:				
Coalinga, city of, Fresno County	060045	Oct. 25, 1974, Emerg; Aug. 23, 1982, Reg; June 17, 1991, Susp.	June 17, 1991	Do.
Banning, city of, Riverside County	060246	May 19, 1975, Emerg; Oct. 17, 1978, Reg; June 17, 1991, Susp.	June 17, 1991	Do.

[1] Code for reading third column: Emerg.—Emergency, Reg.—Regular, Susp.—Suspension.

Issued: May 16, 1991.

C.M. "Bud" Schauerte,

Administrator, Federal Insurance Administration.

[FR Doc. 91-12287 Filed 5-22-91; 8:45 am]

BILLING CODE 6718-21-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 91-8; RM-7299]

Radio Broadcasting Services; Appomattox, VA

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of LBS Broadcasting, Inc., licensee of Station WZST(FM), Channel 274B, Appomattox, Virginia, substitutes Channel 274C1 for Channel 274B at Appomattox, Virginia, and modifies its authorization to specify operation on the higher powered channel. See 56 FR 04785, February 6, 1991. Channel 274C1 can be allotted to Appomattox, Virginia, in compliance with the Commission's minimum distance separation requirements with a site restriction of 4 kilometers (2.5 miles) southeast to accommodate petitioner's desired transmitter site. The coordinates for Channel 274C1 are North Latitude 37-19-55 and West Longitude 78-47-45. With this action, this proceeding is terminated.

FOR FURTHER INFORMATION CONTACT: Pamela Blumenthal, Mass Media Bureau (202) 632-6302.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 91-8, adopted May 3, 1991, and released May 17, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Downtown Copy Center (202) 452-1422, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the table of FM Allotments under Virginia, is amended by removing Channel 274B and adding Channel 274C1 at Appomattox.

Federal Communications Commission.

Andrew J. Rhodes,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-12195 Filed 5-22-91; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-282; RM-6630, RM-7002, RM-7003, RM-7004]

Radio Broadcasting Services; Whiting, DePere, Crandon, Algoma, Brillion, Mishicot, Ripon, Lomira, Sheboygan, and Oshkosh, WI

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document substitutes Channel 244C2 for Channel 244A at Whiting, Wisconsin, and modifies the license of Station WYTE, Whiting, Wisconsin, to specify operation on Channel 244C2; substitutes Channel 240C3 for Channel 240A at DePere, Wisconsin, and modifies the license of Station WJLW, DePere, Wisconsin, to specify operation on Channel 240C3; substitutes Channel 244C3 for Channel 243A at Algoma, Wisconsin, and modifies the license of Station WOMA, Algoma, Wisconsin, to specify operation on Channel 244C3; substitutes Channel 245A for Channel 244A at Oshkosh, Wisconsin, and modifies the license for Station WUSW, Oshkosh, Wisconsin, to specify operation on Channel 245A; substitutes Channel 298A for Channel 242A at Brillion, Wisconsin, and modifies the construction permit of Station WEZR, Brillion, Wisconsin, to specify operation on Channel 298A; substitutes Channel 276A for Channel 244A at Crandon, Wisconsin; and substitutes Channel 234A for Channel 298A at Mishicot, Wisconsin. The reference coordinates for the Channel 244C2 allotment at Whiting, Wisconsin, are 44-38-41 and 89-51-11; for the Channel 240C3 allotment at DePere, Wisconsin, are 44-23-22 and 88-01-47; for the Channel 244C3 allotment at Algoma, Wisconsin, are 44-38-08 and 87-37-37; for the Channel 298A allotment at Brillion, Wisconsin, 44-12-23 and 88-05-20; for the Channel 276A allotment at Crandon, Wisconsin, 45-34-18 and 88-53-54; for the Channel 234A allotment at Mishicot, Wisconsin, 44-14-12 and 87-38-24. Canadian concurrence has been obtained for the channel substitutions at Crandon and Algoma, Wisconsin, because the reference coordinates are located within 320 kilometers (200 miles) of the U.S.-Canadian border. With this action, this proceeding is terminated.

EFFECTIVE DATE: July 1, 1991.

FOR FURTHER INFORMATION CONTACT: Robert Hayne, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-282, adopted May 7, 1991, and released May 17, 1991. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

PART 73—[AMENDED]

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments, is amended under Wisconsin by removing Channel 244A and adding Channel 244C2 at Whiting.

3. Section 73.202(b), the Table of FM Allotments, is amended under Wisconsin, by removing Channel 240A and adding Channel 240C3 at DePere.

4. Section 73.202(b), the Table of FM Allotments, is amended under Wisconsin by removing Channel 243A and adding Channel 244C3 at Algoma.

5. Section 73.202(b), the Table of FM Allotments, is amended under Wisconsin by removing Channel 242A and adding Channel 298A at Brillion.

6. Section 73.202(b), the Table of FM Allotments, is amended under Wisconsin by removing Channel 244A and adding Channel 245A at Oshkosh.

7. Section 73.202(b), the Table of FM Allotments, is amended under Wisconsin by removing Channel 298A and adding Channel 234A at Mishicot.

8. Section 73.202(b), the Table of FM Allotments, is amended under Wisconsin by removing Channel 244A and adding Channel 276A at Crandon.

Federal Communications Commission.

Andrew J. Rhodes,

Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 91-12194 Filed 5-22-91; 8:45 am]

BILLING CODE 6712-01-M

Proposed Rules

Federal Register
Vol. 56, No. 100
Thursday, May 23, 1991

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 591

Cost-of-Living Allowances and Post Differentials (Nonforeign Areas)

AGENCY: Office of Personnel Management.

ACTION: Notice; extension of comment period.

SUMMARY: On February 26, 1991, the Office of Personnel Management (OPM) published an advance notice of proposed rulemaking (56 FR 7902), inviting comments on a report produced by Runzheimer International for OPM under contract. The report provided comparisons of living costs in the Washington, DC, area with selected nonforeign areas outside the 48 contiguous states.

This notice extends the comment period of the advance notice from May 28, 1991, to June 28, 1991. After OPM reviews and analyzes all of the comments received, OPM may propose rules, taking into consideration the comments received. These proposed rules would be published in the **Federal Register** for another 90-day comment period.

DATES: Comments must be received on or before June 28, 1991.

ADDRESSES: Send or deliver written comments to the Office of Personnel Management, Personnel Systems and Oversight Group, Wage Systems Division, 7H28, 1900 E Street, NW., Washington, DC 20415.

FOR FURTHER INFORMATION CONTACT: Phyllis G. Foley (202) 606–2848.

List of Subjects in 5 CFR Part 591

Government employees, travel and transportation expenses, wages.

U.S. Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 91–12256 Filed 5–22–91; 8:45 am]

BILLING CODE 6325–01–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 946

Virginia Regulatory Program; Coal Surface Mining Reclamation Fund

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Proposed rule; Reopening and extension of comment period on proposed amendment.

SUMMARY: OSM is announcing receipt of revisions to a previously proposed amendment to the Virginia permanent regulatory program (hereinafter, the Virginia program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). By letter dated April 18, 1991 (Administrative Record No. VA–793), Virginia submitted additional information to both support and modify its proposed amendment dated October 1, 1990 (Administrative Record No. VA–768), which responded to two 30 CFR 732.17(f)(1) notifications (Administrative Record Nos. VA–743 and VA–749). The proposed amendment includes changes in Virginia's program relating to revegetation standards for success, siltation structures and impoundments, termination of jurisdiction, roads and support facilities, coal exploration, probable hydrologic consequences determinations, and permitting obligations relative to reclamation. Also included are changes to the regulations relative to the exemption for coal extraction incidental to the extraction of other minerals removed for purposes of commercial use or sale, and regulations concerning prime farmland and coal preparation plants that are not located within the permit area of a mine. Accordingly, OSM is reopening and extending the public comment period on Virginia's October 1, 1990, proposed amendment. OSM will consider the new information, the existing proposed amendment, and any previous comments when making a final decision on the proposed amendment.

This notice sets forth the times and locations that the Virginia program and proposed amendment to the program are available for public inspection, the comment period during which interested parties may submit written comments on the proposed amendment, and the procedures that will be followed regarding the public hearing, if one is required.

DATES: Written comments must be received on or before 4 p.m. on June 24, 1991. If requested, a public hearing on the proposed amendment will be held on June 17, 1991. Requests to present testimony at the hearing must be received on or before 4 p.m., June 7, 1991.

ADDRESSES: Written comments and requests to testify at the hearing should be mailed or hand delivered to Mr. Robert A. Penn, Director, Big Stone Gap Field Office at the first address listed below. If a hearing is requested, it will be held at the same address.

Copies of the Virginia program, proposed amendments and all written comments received in response to this notice will be available for review at the locations listed below during normal business hours Monday through Friday, excluding holidays. Each requestor may receive, free of charge, one single copy of the proposed amendment by contacting the OSM Big Stone Gap Field Office.

Office of Surface Mining Reclamation and Enforcement, Big Stone Gap Field Office, P.O. Drawer 1216, Powell Valley Square Shopping Center, room 220, Route 23, Big Stone Gap, Virginia 24219, Telephone (703) 523–4303.

Virginia Division of Mined Land Reclamation, P.O. Drawer U, 622 Powell Avenue, Big Stone Gap, Virginia 24219, Telephone (703) 523–8100.

FOR FURTHER INFORMATION CONTACT: Mr. Robert A Penn, Director, Big Stone Gap Field Office, Telephone (703) 523–4303.

SUPPLEMENTARY INFORMATION:

I. Background

The Secretary of the Interior approved the Virginia program on December 15, 1981. Information pertinent to the general background and revisions to the proposed permanent program submission, as well as the Secretary's findings, the disposition of comments and a detailed explanation of the conditions of approval can be found in the December 15, 1981, **Federal Register** (46 FR 61085–61115). Subsequent actions concerning the conditions of approval and proposed amendments are

identified at 30 CFR 946.12, 946.13, 946.15, and 946.16.

II. Discussion of Amendments

By letter dated October 1, 1990 (Administrative Record No. VA–768), Virginia submitted a proposed amendment to its program pursuant to SMCRA. OSM announced in the October 31, 1990, **Federal Register** (55 FR 45811–45814) receipt of the amendment and invited public comment. By letter dated March 20, 1991 (Administrative Record No. VA–792), OSM notified Virginia of 25 items contained in the amendment that required either clarification or revision. By letter dated April 18, 1991 (Administrative Record No. VA–793), Virginia submitted clarifications and revisions to the proposed amendment as described below.

1. Termination of Jurisdiction

Virginia has requested that OSM defer action on the changes at VR 480–03–19.700.11(d) pending the outcome of the appeals court review of *National Wildlife Federation* v. *Lujan*, (D.D.C. August 30, 1990).

2. Roads and Support Facilities

a. VR 480–03–19.780.37(c) and 480–03–19.784.24(c) have been revised to clarify that an appropriate geotechnical report shall be required for engineering design standards other than those established in the Virginia rules, to ensure that necessary stability and performance of road systems are attained. This report is specifically referenced in VR 480–03–19.816/817.151(a) (5) and (b) relative to stability of cut slopes and embankments.

b. Virginia has issued a statement of clarification relative to VR 480–03–19.773.16(c)(12)(vi), however, no change to the regulation is proposed. Virginia has clarified that drainage systems for primary roads must be designed to safely pass the peak runoff from a 10 year, 6 hour or larger precipitation event.

c. Virginia has revised VR 480–03–19.816/817.152 to clarify that performance standards may be met for existing roads in place of design standards if certain conditions are met.

A statement of clarification is included with the submittal establishing that all existing roads that will be used as primary roads must have a minimum static safety factor of 1.3. Virginia has also clarified that existing roads used as primary roads are not exempt from the performance standards of VR 480–03–19.816/817.150 and 480–03–19.816/817.151.

d. Virginia has corrected the inconsistent numbering at VR 480–03–19.816/817.150(f). Virginia has also clarified that all roads retained as part of the approved post-mining land use must meet the performance standards for primary roads.

e. Virginia has clarified that VR 480–03–19.816/817.150(g) does not grant a broad general variance from design or performance standards. Virginia's program mandates the minimum performance standards, hence design standards, that a road must meet.

f. The original submittal contained an incorrect reference cite at VR 480–03–19.816.152. The corrected reference cite is VR 480–03–19.816.151.

g. Virginia has revised and renumbered VR 480–03–19.816/817.151 beginning with subsection (b). VR 480–03–19.816/817.151(b)(1) have been revised to specify that organic material shall be removed from the foundation of road embankments and shall not be placed in or beneath any embankment. Virginia also has clarified that road embankments must be constructed in uniform compacted layers to achieve a desired degree of compaction, thus placing a requirement on the moisture content of the material to be placed in the embankment.

3. Revegetation Standards for Success

a. Virginia has included a clarifying statement in its submittal explaining that it has consulted with and obtained the approval of the responsible State agencies for the minimum stocking and planting arrangements for trees and shrubs. The minimum stocking rates and planting arrangements were selected on a program wide basis. However, Virginia has reserved the right at VR 480–03–19.816/817.116(b)(3)(i) to allow a permit specific consultation and approval for minimum stocking and planting arrangements if needed.

b. Virginia has explained its reason for revising VR 480–03–19.816/817.116(b)(3)(v)(A) and deleting the requirement that tree, shrub, half-shrub stockings and the ground cover established on the revegetated area approximate the stocking and ground cover on the surrounding unmined area. Virginia's existing success standards were developed to include representative criteria of unmined lands and Virginia believes that it is redundant to leave this phrase in its rules.

c. Virginia has clarified that the titled and dated documents that it has submitted in support of VR 480–03–19.816/817.116(c)(3) will be the normal husbandry practices that will be allowed without restarting the bond liability period.

d. Virginia has included a statement clarifying that the average stocking rate for wildlife food-producing shrubs found at VR 480–03–19.816/817.116(b)(3)(iv)(C) and 816/817.116(b)(3)(v)(C) was selected after consultation with and the approval of the Virginia Department of Game and Inland Fisheries and the Department of Forestry.

e. Virginia has included a list of agencies providing recommendations regarding the stocking and ground cover composition, spacing, and planting arrangements found at VR 480–03–19.816/817.116(b)(3)(v)(A). The agencies include the Virginia Department of Forestry, the Department of Game and Inland Fisheries, the Virginia Tech Extension Service, and the USDA Soil and Conservation Service.

4. Siltation Structures and Impoundments

a. VR 480–03–19.816/817.46(c)(2)(i) have been revised to make it clear that single conduit spillways are restricted to ponds where failure would not be expected to cause loss of life or serious property damage. VR 480–03–19.816/817.49(a)(8)(i) have also been revised to address the use of single conduit spillways on impoundments. VR 480–03–19.816/817.46(c)(2) and VR 480–03–19.816/817.49(a)(8) have been revised to separate the standards for single open-channel spillways and single closed-circuit spillways.

b. VR 480–03–19.816/817.49(a)(9) have been revised to remove a reference to impoundment inspections by land surveyors.

c. VR 480–03–19.816/817.49(b)(7) have been revised to eliminate the spillway design storm criteria for permanent impoundments. Spillways will be designed based on the size of the impoundment and its hazard potential.

d. Virginia has included stability calculations to support the alternative design standards found at VR 480–03–19.816/817.49(a)(3)(ii).

5. Exemption for Coal Extraction Incidental to the Extraction of Other Minerals

a. VR 480–03–19.702.11(a)(2) has been revised to eliminate the phrase "Following incorporation of an exemption application approval process into a regulatory program * * *."

b. VR 480–03–19.702.5(a)(2) (i) and (ii) have been revised to reflect that this section will become applicable after the effective date of this rule.

c. VR 480–03–19.702.11(a)(1) has been revised to reflect that this section will

become applicable after the effective date of this rule.

d. Virginia has corrected a typographical error at VR 480–03–19.702.17(d)(3).

6. Coal Preparation Plants not Located within the Permit Area of a Mine

a. Virginia has included a clarifying statement for VR 480–03–19.785.21 and 480–03–19.827.1. Virginia will not consider proximity as the decisive factor for determining if off-site preparation plants are regulated.

III. Public Comment Procedures

In accordance with the provisions of 30 CFR 732.17(h), OSM is now seeking comment on whether the amendments proposed by Virginia satisfy the applicable program approval criteria of 30 CFR 732.15. If the amendments are deemed adequate, they will become part of the Virginia program.

Written Comments

Written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of the commenter's recomendations. Comments received after the time indicated under **"DATES"** or at locations other than the Big Stone Gap Field Office will not necessarily be considered in the final rulemaking or included in the Administrative Record.

Public Hearing

Persons wishing to comment at the public hearing should contact the person listed under **"FOR FURTHER INFORMATION CONTACT"** by close of business on June 7, 1991. If no one requests an opportunity to comment at a public hearing, the hearing will not be held.

Filing of a written statement at the time of the hearing is requested as it will greatly assist the transcriber. Submission of written statements in advance of the hearing will allow OSM officials to prepare adequate responses and appropriate questions.

The public hearing will continue on the specified date until all persons scheduled to comment have been heard. Persons in the audience who have not been scheduled to comment, and who wish to do so, will be heard following those scheduled. The hearing will end after all persons scheduled to comment and persons present in the audience who wish to comment have been heard.

Public Meeting

If only one person requests an opportunity to comment at a hearing, a public meeting, rather than a public hearing, may be held.

Persons wishing to meet with OSM representatives to discuss the proposed amendments may request a meeting at the Big Stone Gap Field Office by contacting the person listed under **"FOR FURTHER INFORMATION CONTACT"**. All such meetings will be open to the public and, if possible, notices of meetings will be posted in advance at the locations listed under **"ADDRESSES"**. A written summary of each public meeting will be made part of the Administrative Record.

List of Subjects in 30 CFR Part 946

Intergovernmental relations, Surface mining, and Underground mining.

Dated: May 6, 1991.

Carl C. Close,

Assistant Director, Eastern Support Center.

[FR Doc. 91–12311 Filed 5–22–91; 8:45 am]

BILLING CODE 4310–05–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD7–91–30]

Drawbridge Operation Regulations; Gulf Intracoastal Waterway, FL

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the City of St. Petersburg Beach and the Florida Department of Transportation, the Coast Guard is considering a change to the regulations governing the Pinellas Bayway Structure "C" bridge, mile 114, at St. Petersburg Beach by permitting the number of openings to be limited during certain periods. This proposal is being made to accommodate periods of peak vehicular traffic. This action should accommodate the needs of vehicular traffic while still providing for the reasonable needs of navigation.

DATES: Comments must be received on or before July 8, 1991.

ADDRESSES: Comments should be mailed to Commander (oan) Seventh Coast Guard District, 909 SE 1st Avenue, Miami, FL 33131–3050. The comments and other materials referenced in this notice will be available for inspection and copying at Brickell Plaza Federal Building, room 406, 909 SE 1st Avenue, Miami, FL. Normal office hours are between 7:30 a.m. and 4 p.m., Monday through Friday, except holidays. Comments may also be hand-delivered to this address.

FOR FURTHER INFORMATION CONTACT: Ian MacCartney (305) 536–4103.

SUPPLEMENTARY INFORMATION: Interested parties are invited to participate in this rulemaking by submitting written views, comments, data, or arguments. Parties submitting comments should include their names and addresses, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Parties desiring acknowledgment that their comments have been received should enclose a stamped, self-addressed postcard or envelope. The Commander, Seventh Coast Guard District, will evaluate all communications received and determine a course of final action on this proposal. The proposed regulations may be changed in light of comments received.

Drafting Information

The drafters of this notice are Ian MacCartney, project officer, and Lt. Genelle Tanos, project attorney.

Discussion of Proposed Regulations

The Pinellas Bayway Structure "C" drawbridge presently opens on signal except that, on Saturdays, Sundays and holidays from 9 a.m. to 6 p.m., the draw need be opended only on the hour, quarter hour, half hour and three quarter hour. The City of St. Petersburg Beach and the Florida Department of Transportation have requested that the existing regulations be expanded to open on the hour, twenty minutes after the hour, and forty minutes after the hour between 7 a.m. and 7 p.m. daily. The Coast Guard tested a 15 minute schedule between 9 a.m. and 6 p.m. during weekdays from January 14, 1991 to March 15, 1991.

This schedule eliminated back-to-back openings and helped to reduce traffic delays, however the number of openings continued to heavily impact highway traffic. The Coast Guard is now testing a 20 minute opening schedule which appears to be improving the highway traffic flow without unreasonably impacting navigation.

Federalism

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that the proposed rulemaking does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Economic Assessment and Certification

These proposed regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and non-significant under the

Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this proposal is expected to be so minimal that a full regulatory evaluation is unnecessary. We conclude this because the rule exempts tugs with tows. Since the economic impact of the proposal is expected to be minimal, the Coast Guard certifies that, if adopted, it will not have a significant impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 117

Bridges.

Proposed Regulations

In consideration of the foregoing, the Coast Guard proposes to amend part 117 of title 33, Code of Federal Regulations, as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 USC 499; 49 CFR 1.46; 33 CFR 1.05–1(g).

2. Paragraph (e) of § 117.287 is revised to read as follows:

117.287 Gulf Intracoastal Waterway

* * * * *

(e) The draw of the Pinellas Bayway, Structure "C" bridge, mile 114, at St. Petersburg Beach shall open on signal; except that from 7 a.m. to 7 p.m., the draw need open only on the hour, twenty minutes past the hour, and forty minutes past the hour.

* * * * *

Dated: May 13, 1991.

Robert E. Kramek,

Rear Admiral, U.S. Coast Guard Commander, Seventh Coast Guard District.

[FR Doc. 91–12274 Filed 5–24–91; 8:45 am]

BILLING CODE 491–614–M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPTS–50583A; FRL–3876–1]

2-Chloro-N-methyl-N-substituted Acetamide and Mixed Alkylphenol Formaldehyde Polymer, Metal Salt; Proposed Modification of Significant New Use Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to modify significant new use rules (SNURs) promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for two chemical substances based on receipt of additional data. The data indicate that the original terms of the SNURs for these substances should be modified.

DATES: Written comments must be submitted to EPA by June 24, 1991.

ADDRESSES: Since some comments may contain confidential business information (CBI), all comments must be sent in triplicate to: TSCA Document Receipt Office (TS–790), Office of Toxic Substances, Environmental Protection Agency, room E–105, 401 M St., SW., Washington, DC 20460. Comments should include the docket control number. The docket control number for each of the new chemical substances covered in this SNUR is OPTS–50583A, followed by the last four digits of the number of the CFR section covering that chemical substance. Nonconfidential versions of comments on this proposed rule will be placed in the rulemaking record and will be available for public inspection. Unit IV. of this preamble contains additional information on submitting comments containing CBI.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, TSCA Assistance Office (TS–799), Office of Toxic Substances, Environmental Protection Agency, rm. EB–44, 401 M St., SW., Washington, DC 20460, telephone: (202) 554–1404, TDD: (202) 554–0551.

SUPPLEMENTARY INFORMATION: In the Federal Register of August 9, 1990 (55 FR 32406), EPA issued SNURs establishing significant new uses for metalated alkylphenol copolymer (P–87–723) and 2-chloro-*N*-methyl-*N*-substituted acetamide (P–84–393). Because of additional toxicity data EPA has received for these substances, EPA is proposing to modify these SNURs.

I. Rulemaking Record

The record for the rule which EPA is proposing to modify was established at OPTS–50583A. This record includes information considered by the Agency in developing this rule and includes the test data to which the Agency has responded with this proposal.

II. Background

EPA is proposing to modify the significant new use and recordkeeping requirements for the following chemical substances under 40 CFR part 721 subpart E. In this unit, EPA provides a brief description for each substance, including its preman-ufacture notice (PMN) number, chemical name (generic name if the specific name is claimed as CBI), CAS number (if assigned), basis for the modification of the section 5(e) consent order for the substance and description of the actual modification to the section 5(e) order as well as the proposed modification to the SNUR, assessment of toxicity concern, recommended testing, and the CFR citation for the regulatory text section of this rule.

Further background information for each substance is contained in the rulemaking record referenced above in Unit I.

PMN Number P–84–393

Chemical name: (generic) 2-Chloro-*N*-methyl-*N*-substituted acetamide.
CAS Number: Not available.
Effective date of modification of section 5(e) consent order: December 3, 1986.
Basis for modification of section 5(e) consent order: The Consent Order was modified based on test data submitted under the terms of the Order. Based on the Agency's analysis of the submitted data, EPA finds that the substance does not cause liver toxicity as previously stated in the original Consent Order. In addition, EPA has concluded that potential inhalation exposures will not present an unreasonable risk of injury to health. Based on these findings EPA has modified the Consent Order and is proposing to modify the SNUR as follows:

(1) Requirements for respiratory protection have been eliminated.

(2) Requirements for label and MSDS language pertaining to respiratory equipment and exposure have been limited.

(3) The production volume limit and required toxicity testing in the Consent Order have been eliminated.
Toxicity concern: Based on toxicity test data on this substance, EPA concluded that the substance causes adverse kidney effects. Recommended testing: Data to establish a no-observed-effect level (NOEL) for kidney effects may be developed in a 90–day rat oral subchronic toxicity study.
CFR Citation: 40 CFR 721.224.

PMN Number P–87–723

Chemical name: (generic) Mixed alkylphenol formaldehyde polymer, metal salt.
CAS Number: Not available.
Effective date of modification of section 5(e) consent order: January 4, 1991.
Basis for modification of section 5(e) consent order: The Consent Order was modified based on test data submitted under the terms of the Order. Based on the Agency's analysis of the submitted data, EPA found that the toxicity

associated with the PMN substance is eliminated after the PMN substance is subjected to secondary wastewater treatment. Based on these findings EPA has modified the Consent Order and is proposing to modify the SNUR as follows:

(1) The production volume limit and required toxicity testing in the Consent Order have been eliminated.

(2) The limit on the amount of the PMN substance released to water has been eliminated while the restriction that any of the PMN substance that is released to water must first be subjected to primary and secondary wastewater treatment was retained.

Toxicity concern: Based on acute ecotoxicity data on the PMN substance, the PMN substance may cause toxicity to aquatic organisms.

Recommended testing: The Agency believes that the results of a *Daphnia* chronic toxicity test (40 CFR 797.1330) and fish chronic toxicity test (40 CFR 797.1600) would help characterize possible chronic toxicity to aquatic organisms.

FR Citation: 40 CFR 721.1272.

III. Objectives and Rationale of Proposing Modification of the Rules –

During review of the PMNs submitted for the chemical substances that are the subject of this proposed modification, EPA concluded that regulation was warranted under section 5(e) of TSCA pending the development of information sufficient to make a reasoned evaluation of the health or environmental effects of the substances, and EPA identified the tests considered necessary to evaluate the risks of the substances. The basis for such findings is referenced in Unit II. of this preamble. Based on these findings, section 5(e) consent orders were negotiated with the PMN submitters and SNURs were promulgated. EPA reviewed the toxicity testing conducted by the PMN submitters for the substances and determined that the section 5(e) consent orders negotiated with the PMN submitters should be modified in light of the new data. The proposed modification of SNUR provisions for these substances designated herein is consistent with the modifications of the section 5(e) orders.

IV. Comments Containing Confidential Business Information

Any person who submits comments claimed as confidential business information must mark the comments as "confidential," "trade secret," or other appropriate designation. Comments not claimed as confidential at the time of submission will be placed in the public file. Any comments marked as confidential will be treated in accordance with the procedures in 40 CFR part 2. Any party submitting comments claimed to be confidential must prepare and submit a public version of the comments that EPA can place in the public file.

List of Subjects in 40 CFR Part 721

Chemicals, Environmental protection, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: May 14, 1991.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, it is proposed that 40 CFR part 721 be amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 will continue to read as follows:

Authority: 15 U.S.C. 2604 and 2607.

2. In § 721.224 by revising paragraphs (a)(2)(i), (a)(2)(ii), (a)(2)(iii), and (b)(1) to read as follows:

§ 721.224 2-Chloro-N-methyl-N-substituted acetamide.

(a) * * *

(2) * * *

(i) *Protection in the workplace.* Requirements as specified in § 721.63(a)(1), (a)(3), (b) (concentration set at 1.0 percent), and (c).

(ii) *Hazard communication program.* Requirements as specified in § 721.72(b)(2), (d), (e) (concentration set at 1.0 percent), (f), (g)(1)(iv), (g)(2)(i), and (g)(2)(v). The provisions of § 721.72(d) requiring employees to be provided with information on the location and availability of a written hazard communication program and MSDSs do not apply when the written program and MSDSs are not required under § 721.72(a) and (c), respectively. The provision of § 721.72(g) requiring placement of specific information on an MSDS does not apply when an MSDS is not required under § 721.72(c).

(iii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(g).

(b) * * *

(1) *Recordkeeping.* The following recordkeeping requirements are applicable to manufacturers, importers, and processors of this substance, as specified in § 721.125(a) through (g) and (i).

* * * * *

3. In § 721.1272 by revising paragraphs (a)(2)(i), (a)(2)(ii), (a)(2)(iii), (a)(2)(iv), and (b)(1) to read as follows and by deleting paragraph (b)(3):

§ 721.1272 Mixed alkylphenol formaldehyde polymer, metal salt.

(a) * * *

(2) * * *

(i) *Hazard communication program.* Requirements as specified in § 721.72 (b)(1)(i)(C), (b)(1)(ii), (b)(1)(iii), (b)(1)(iv), (b)(2), (c)(1), (f), (g)(3)(ii), (g)(4)(i), and (g)(5).

(ii) *Industrial, commercial, and consumer activities.* Requirements as specified in § 721.80(j) (industrial coating material).

(iii) *Disposal.* Requirements as specified in § 721.85(a)(1), (a)(3), (b)(1), (b)(3), (c)(1), and (c)(3).

(iv) *Release to water.* Requirements as specified in § 721.90 (a)(2), (b)(2), and (c)(2).

(b) * * *

(1) *Recordkeeping.* The following recordkeeping requirements are applicable to manufacturers, importers, and processors of this substance, as specified in § 721.125(a) through (k).

* * * * *

[FR Doc. 91–12298 Filed 5–22–91; 8:45 am]

BILLING CODE 6560–50–F

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40 CFR Part 372

[OPTS–400040A; FRL–3838–7]

Barium Sulfate; Toxic Chemical Release Reporting; Community Right-To-Know

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of Proposed Rule.

SUMMARY: EPA is withdrawing its proposed rule granting two petitions to exempt barium sulfate from the reporting requirements under the category "barium compounds" of the list of toxic chemicals under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA). The withdrawal of the proposal is based on EPA's review of the availability of barium ion from barium sulfate and the potential for barium ion to induce toxicity. This review resulted in the conclusion that barium ion can become available from barium sulfate under anaerobic conditions.

FOR FURTHER INFORMATION CONTACT: Maria J. Doa, Petitions Coordinator, Emergency Planning and Community Right-to-Know Information Hotline, Environmental Protection Agency, Mail Stop OS–120, 401 M St., SW., Washington, DC 20460, Toll Free: 800–535–0202, In Washington, DC and Alaska: 202–479–2449.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Statutory Authority

The proposed rule was issued under section 313(d) and (e)(1) of the Emergency Planning and Community Right-to-Know Act of 1986 (Pub. L. 99-499, "EPCRA"). EPCRA is also referred to as title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986.

B. Background

Section 313 of EPCRA requires certain facilities that manufacture, process, or otherwise use toxic chemicals to report annually their environmental releases of such chemicals. Section 313 establishes an initial list of toxic chemicals that is composed of more than 300 chemicals and chemical categories. Any person may petition the Agency to add chemicals to or delete chemicals from the list. EPA issued a statement of petition policy and guidance in the Federal Register of February 4, 1987 (52 FR 3479). This statement provides guidance regarding the recommended content and format for submitting petitions.

EPA must respond to petitions within 180 days by initiating a rulemaking or by issuing an explanation of why the petition is denied.

II. Description of Petitions

On August 7, 1989, EPA received a petition from the Petroleum Equipment Suppliers Association (PESA) to delete barium sulfate ($BaSO_4$) from the list of toxic chemicals. On September 18, 1989, EPA received another petition to delete barium sulfate from the Dry Color Manufacturers' Association (DCMA). The Agency decided to review both petitions simultaneously. Barium sulfate is subject to section 313 reporting requirements because it meets the definition of a barium compound. Both petitions are based on the contention that barium sulfate is not toxic and does not meet any of the statutory criteria under section 313(d)(2). EPA issued in the Federal Register of February 12, 1990 (55 FR 4879), a proposed rule granting the petitions to exempt barium sulfate from the reporting requirements under the category "barium compounds" on the list of toxic chemicals under section 313 of EPCRA. Comments were requested on the proposed rule. Specifically, EPA requested comment on the possible anaerobic degradation of barium sulfate.

After reviewing the information received during the public comment period and the appropriate references cited therein, EPA has concluded that the barium ion can reasonably be anticipated to become available as a result of the anaerobic degradation of barium sulfate.

Published elsewhere in this issue of the Federal Register is a notice of policy and guidance on the metal compound categories. As articulated in the notice of policy and guidance on the metal compound categories, the toxicity of a metal-containing compound that dissociates or reacts to generate the metal ion can be expressed as a function of the toxicity induced by the intact species and the availability of the metal ion, where the degree of dissociation, bioaccumulation, and the level at which toxicity is induced by the metal ion must be considered. The effects induced by each metal ion described by the metal compound categories meet the criteria under section 313(d)(2). Thus, for petitions to exempt metal-containing compounds from the reporting requirements under section 313, EPA has decided to base its decisions on the evaluation of all chemical and biological processes that may lead to metal ion availability as well as on the toxicity exhibited by the intact species. These decisions will continue to be based on information provided by the petitioner, Agency documents, and available literature. The burden of proof that the specific metal compound does not generate the metal ion as a result of one or more transformation processes rests on the petitioner. EPA will deny petitions for chemicals for which the metal ion availability cannot be properly characterized. EPA will also deny petitions for chemicals that dissociate or react to generate the metal ion at levels which can reasonably be anticipated to cause adverse effects. EPA will also determine whether effects which may be induced by the intact species meet the toxicity criteria of section 313(d)(2).

It should be noted that the above policy would result in a denial of the barium sulfate petitions if received today because the petitioners did not address, in their petitions, all of the transformation processes which could lead to the availability of barium ion from barium sulfate. Prior to instituting the above-stated policy, EPA carried out a technical review to assess the potential availability of barium ion from barium sulfate and based its decision to withdraw the proposal to grant the petitions on the basis of barium ion availability. EPA's technical review of barium sulfate, which is provided below, illustrates the type of analyses which must be conducted by petitioners to justify deletions of metal compounds from their respective categories.

III. EPA's Review of Barium Sulfate

In the proposed rule to delete barium sulfate from the EPCRA section 313 list of toxic substances, EPA provided information on the effects induced by exposure to barium sulfate and on the availability of barium ion from barium sulfate. Prior to the development of the metal category policy and guidance, the Agency took it upon itself to address the transformation processes that may generate barium ion from barium sulfate. Under the new policy, a petitioner would be expected to provide information on the potential availability of the metal ion for each transformation process. These include but are not limited to: hydrolysis, photolysis, abiotic and biotic aerobic degradations, abiotic and biotic anaerobic degradations, bioavailability of the ion when the compounds are ingested or inhaled, and bioaccumulation. EPA's review indicated that information was lacking on the possible anaerobic degradation of barium sulfate. Thus, the Agency requested public comment on the possible anaerobic degradation of barium sulfate. EPA has reviewed the information received during the public comment period and the appropriate references cited therein. EPA's technical review should serve as a guide to future petitioners.

A. Barium Sulfate Toxicity

Human and animal data show that barium sulfate is not highly toxic to humans or environmental species, largely because of the insolubility of barium sulfate in water, dilute acids, and alcohols. Barium sulfate is not expected to be absorbed through the skin and is expected to be only minimally absorbed through the lungs and gastrointestinal tract.

There are some case reports of impaction of the colon following oral ingestion of large doses of barium sulfate from its use as an x-ray contrast medium. Also, industrial exposure to barium sulfate dust produces a benign pulmonary reaction (baritosis) that is evidenced by characteristic radiographic changes. These changes consist of dense, discrete, small opacities that are barium sulfate particles themselves and not tissue lesions. These effects are without symptoms and without decrement in pulmonary function.

B. Barium Ion Toxicity

Barium ion is highly toxic. Since barium is rarely encountered by living organisms in elemental form, the toxicity of the ion is related to the solubility of a particular barium

compound. Thus, soluble salts of barium such as barium chloride are highly toxic. Human fatalities have occurred from mistaken use of barium salt rodenticide (approximately 550 to 600 milligram (mg) of barium). Acute barium poisoning exerts a strong, prolonged stimulant action on all muscles, including cardiac and smooth muscle of the gastrointestinal tract and bladder. Barium is capable of causing nerve block and, in small or moderate doses, produces a transient increase in blood pressure by vasoconstriction. Because of barium's potential to cause increased blood pressure, EPA has established a reference dose (RfD) for barium of 0.07 milligram/kilogram of body weight/day (mg/kg/day).

C. Barium Ion Availability

Barium sulfate has very low solubility in water. One of the factors which contribute to this limited water solubility is the strong affinity of the barium ion for the sulfate ion. The limited solubility of barium sulfate in water coupled with the affinity that barium ion has for the sulfate ion results in low availability of barium ion in water.

Barium sulfate does not undergo photolysis, or abiotic or biotic oxidation to yield barium ion.

1. *Absorption and bioavailability.* Animal studies show that some barium ion is released from barium sulfate through solubilization of the compound in body fluids. The ion is then absorbed slowly into the animal system. This bioavailability has been observed following oral and inhalational exposure to and intramuscular injection and intratracheal instillation of barium sulfate. Following intratracheal instillation in rats, approximately 1.3 percent of the barium from a dose of 2.8 micrograms (ug) of barium sulfate was absorbed via solubilization.

For small doses of barium sulfate (5 ug/100 gram (g) body weight) administered orally to rats, there is little, if any, difference in the amount of barium absorbed when compared to the much more water soluble barium chloride. However, when massive doses of barium sulfate (60 to 400 g) were given orally to human subjects as a contrast medium for x-ray diagnoses, approximately 10 to 100 ug of barium above background were excreted in the urine in 24 hours.

2. *Solubilization of barium sulfate in soils.* In most well aerated, neutral pH soils, the amount of soluble barium will be controlled by the amount of available sulfate. Decreases in the electron potential and in the pH of the soil at or near saturation conditions will lead to increases in barium ion solubilization. Increases in dissolved salt concentrations may also result in increased solubilization of barium.

Deeley (1984) used an elutriate test and the Extraction Procedure Toxicity Test (EP Toxicity), which is intended to evaluate the potential of an industrial waste to release metal and organic constituents in a municipal landfill, to evaluate the potential for soluble barium leaching from impoundment drilling waste samples, which contain barium sulfate. Deeley also investigated the effects of pH and ionic strength changes on the availability of heavy metals in drilling wastes (Ref. 3). EP Toxicity values as high as 80 mg/l of barium were observed from sediment samples collected from offsite disposal pits. This value indicates that barium sulfate is being converted to a more soluble barium salt.

Freeman and Deuel (1984) measured redox potentials of soils, total soil barium, and the extractable amount of barium in native invader vegetative species on closed drilling waste pits in Louisiana and Mississippi. These plants were found to contain levels of barium ion as much as 4.6 times background (Ref. 6).

3. *Anaerobic degradation.* In anaerobic environments, dissolved sulfate can be depleted by microbial reduction to sulfide. Because barium does not form stable sulfide minerals in most natural waters, the conversion of sulfate to sulfide results in an increase in dissolved barium concentrations.

Deuel and Freeman (1989) have investigated the anaerobic degradation of barium sulfate in laboratory experiments using drilling waste solids. The solids were mixed with a clay soil and sucrose, then added to deionized water. The contents were mixed and incubated in an anaerobic/aerobic cycle in which conditions were changed every 2 weeks. Results after three cycles suggested that anaerobic conditions can result in significant conversion of barium sulfate to soluble barium (Ref. 4).

Campbell Wells Corporation/K. W. Brown and Associates, Inc. (1989), and Branch et al. (1990) have conducted research for the State of Louisiana Department of Natural Resources to determine the effects of soil-water environments on the solubility of barium ion from barium sulfate found in drilling muds. The materials used were untreated nonhazardous oil wastes (NOW), treated NOW-Gypsum (calcium sulfate dihydrate) Amendment (where NOW treatment consisted of soluble salt removal, gypsum application, and oil and grease degradation), and treated NOW-Oil and Grease Amendment (additional oil and grease in the form of oily NOW was added to the Gypsum Amendment to increase the oil and grease concentration to 6 percent). These materials were placed under aerated or flooded conditions. Results indicate that there is little evidence that sulfate reduction has occurred. Data also suggest that soluble barium remained at or below the detection limits of 0.5 mg/l in all treatments (Refs. 1 and 2).

Several problems in this study were identified. Large variances in redox measurements were observed which were attributed to leaks in the drain system and random microvariability of the systems. The most significant problem was the observation that the sulfate concentrations were at or above the gypsum saturation level in all the systems being studied. The amount of sulfate in the system would significantly shift equilibria such that barium sulfate would not dissociate to yield soluble barium ion under the common ion effect. The high sulfate levels found under strongly reducing conditions are unexpected, and further complicate interpretation of the study.

Deuel and Holiday (1990) conducted studies to evaluate the distribution of barium and other metals in drilling wastes relative to the point of discharge into waste pits. A representative drilling fluid from the Louisiana gulf coast area was selected. Composite samples were allowed to equilibrate 1 year prior to opening of the sealed containers for immediate analysis of soluble barium and redox potential. The authors concluded that after a year of equilibration, soluble barium concentrations were similar in magnitude to initial pit values.

The concentrations of sulfate present in the test systems were not given. If it is assumed that the levels are consistent with NOW described in similar studies, the sulfate levels would tend to prevent the solubilization of barium ion from barium sulfate by the common ion effect. No discussion of the fate of these wastes in low sulfate environments was provided.

The data on the anaerobic degradation of barium sulfate are conflicting. The studies cited above have been carried out in the context of NOW disposal. As a result, the materials used in the majority of the studies contain excess amounts of sulfate (from gypsum). Due to the counter ion effect, concentrations of sulfate above background may have counteracted the effects of the low redox conditions. Excess sulfate will drive the barium sulfate/barium ion - sulfate ion

equilibrium toward the formation of barium sulfate. In the study carried out by Deuel and Holiday (1990), sulfate levels were not given.

This discrepancy is problematic because the distribution of sulfidic sediments on a national level is presently unknown; however, it is believed that sulfate reduction in water saturated sediments will be far more the rule rather than the exception. Specifically, sulfate reduction is expected to occur in wetlands, in episodically flooded soils and in the sediments of the majority of lakes and rivers in the United States. Hence, the deposition of barium sulfate in anaerobic sediments may be expected to lead to an enhanced mobilization (and availability) of barium ion.

Because no data are available on the possible anaerobic degradation of barium sulfate under low sulfate conditions, EPA cannot properly quantify the availability of barium ion from barium sulfate. However, data do indicate that this transformation process can reasonably be anticipated to occur. Anaerobic degradation of barium sulfate which would generate soluble forms of barium may lead to increased levels of barium ion in surface waters and ground water.

D. Technical Summary

There is no evidence of cancer, developmental toxicity, reproductive toxicity, neurotoxicity, gene mutations, or chronic toxicity associated with exposure to barium sulfate.

Barium ion is not available from barium sulfate via abiotic and biotic aerobic transformations, or photolysis. Barium ion exhibits toxicity at levels which far exceeds its bioavailability from ingestion or inhalation of barium sulfate.

Data suggest that barium sulfate is solubilized to generate barium ion under anaerobic conditions. The extent of this degradation is unknown because the studies were carried out only under limited conditions. Decreases in the pH and increases in the chloride concentrations in soils also contribute to increases in soluble barium concentrations.

IV. Public Comment

EPA received 18 comments on the proposal to delete barium sulfate from the EPCRA section 313 list of toxic substances. The majority of the commenters believe that EPA should exempt barium sulfate from reporting requirements under the barium compounds category.

Four commenters, the American Petroleum Institute (API), Independent Petroleum Association of America (IPAA), Baroid Drilling Fluids, Inc., and K. W. Brown Associates, Inc., addressed EPA's request for comment on the possible anaerobic degradation of barium sulfate. API and IPAA state that their member companies' use of barium sulfate "has produced no evidence that the barium ion becomes available from anaerobic degradation of barium sulfate under field conditions." However, they did not provide any data to support this contention.

Baroid Drilling Fluids states that the "observed effect [anaerobic degradation of barium sulfate] was a laboratory phenomenon induced by the addition of sugar (sucrose) solution to produce a highly reducing environment. . . ." The commenter did not provide a reference to support its contention. The commenter later indicated that the study referred to is "Amendment to Louisiana Statewide Order 29-B Suggested Modifications for Barium Criteria. SPE/IADC," 1989, by L. E. Deuel, Jr. and B. D. Freeman.

Deuel and Freeman (1989) cite the observation of operators managing NOW materials in the field that higher levels of soluble barium are measured after dilution and incorporation into active soil than before treatment. Similar results were observed at commercial NOW treatment facilities. These observations suggest that some mechanism of barium solubilization was in operation under the conditions of treatment, storage, or disposal.

EPA agrees that sucrose is a readily biodegradable carbon source for bacteria in the medium that Deuel and Freeman used. The addition of sucrose would stimulate bacterial growth rates with a subsequent increase in metabolic activity and eventually with an increase in redox levels in a closed system. However, these processes would be expected to occur in any similar system to which a utilizable carbon source is added, albeit at a slower rate. In NOW the oil and grease component could serve as a carbon source.

K. W. Brown Associates, Inc. provided additional information on barium chemistry and the fate of barium in the natural environment. Although they provided information on the short-term effects of reduced conditions on barium sulfate, they concluded that this information indicates that "insufficient information exists to accurately characterize the fate of barite under long-term reduced conditions."

V. Explanation for the Withdrawal of the Proposal to Delete

EPA is issuing this notice to withdraw the proposal to delete barium sulfate from the barium compounds category on the section 313 list of toxic chemicals. This decision is based on the availability of the barium ion from barium sulfate and the potential of toxicity due to available barium ion. Limited data suggest that the barium ion can reasonably be anticipated to become available as a result of the anaerobic degradation of barium sulfate, although the extent of this degradation is unknown.

The barium sulfate delisting petitions were filed prior to EPA's notice of policy and guidance on metal compound categories. Petitions for the delisting of a member of a metal compound category filed subsequent to this notice will be denied unless the petitioner establishes that the metal ion will not be available at a level that can reasonably be anticipated to induce toxicity. In the case of barium sulfate, EPA performed the technical review that will be required of subsequent petitioners. As a result of this review, EPA has decided to deny these petitions for two reasons: (1) The evidence does not establish that the barium ion will not be available at a level that can reasonably be anticipated to induce toxicity; and (2) the evidence affirmatively establishes that the barium ion can reasonably be anticipated to become available through anaerobic degradation.

VI. References

(1) Branch, Robert T., Artiola, Janic, and Crawley, Walter W., "Determination of Soil Conditions that Adversely Affect the Solubility of Barium in Nonhazardous Oilfield Waste," Paper presented at the 65th Annual Technical Conference and Exhibition of the SPE, (1990), pp. 217–226.

(2) Campbell Wells Corporation, K. W. Brown and Associates, Inc., "Determination of Soil Conditions that Adversely Affect the Solubility in NOW," (1989), 22 pp.

(3) Deeley, G. M., "Chemical Speciation and Flyash Stabilization of Arsenic, Barium, Chromium and Lead in Drilling Fluid Wastes," Ph.D. Thesis, University of Oklahoma, Norman, Oklahoma (1984), 272 pp.

(4) Deuel, L. E., Freeman, B. D., "Amendment to the Louisiana Statewide Order 29-B Suggested Modifications for Barium Criteria, SPE/IADC," (1989), pp. 461–466.

(5) Deuel, L. E., Holiday, G. H., "Reserve Pit Drilling Wastes - Barium and Other Metal Distributions of Oil and Gas Field Wastes," Paper presented at the 65th Annual Technical Conference and Exhibition of the SPE, SPE 20712, (1990), pp. 937–941.

(6) Freeman, B. D., Deuel, L. E., Guidelines for Closing Drilling Waste Fluid Pits in Wetland and Upland Areas, Parts I, II, III, In 7th Annual Energy Sources Technology Conference and Exhibition, February 12–16, (1984), 62 pp.

List of Subjects in 40 CFR Part 372

Chemicals, Community-right-to-know, Environmental protection, Reporting and recordkeeping requirements, Toxic chemicals.

Dated: May 15, 1991.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 91-12296 Filed 5-22-91; 8:45 am]

BILLING CODE 6560-50-F

Notices

Federal Register
Vol. 56, No. 100
Thursday, May 23, 1991

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Rulemaking; Working Group on Model Rules; Notice of Public Meetings

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of meetings of the Committee on Rulemaking and the Working Group on Model Rules of the Administrative Conference of the United States.

Committee on Rulemaking

Date: Thursday, June 13, 1991.
Time: 10:00 a.m.
Location: Administrative Conference of the United States, 2120 L Street NW., suite 500, Washington, DC 20037 (Library, 5th floor).
Agenda: The committee will meet to discuss: (1) Professor Robert Anthony's study of non-rule rulemaking; and (2) the procedural rule exemption of the Administrative Procedure Act.
Contact: Kevin Jessar, 202–254–7020.

Working Group on Model Rules

Date: Friday, July 12, 1991.
Time: 12 noon.
Location: Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC 20037 (Library, 5th floor).
Agenda: The committee will meet as part of an ongoing effort to develop model rules of practice and procedure which can be used by Federal agencies in formal adjudications.
Contact: Gary Edles, 202–254–7020.
Attendance at the committee meetings is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman at least one day in advance. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request. The contact persons' mailing address is: Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC 20037. Telephone: 202–254–7020.

Dated: May 17, 1991.
Jeffrey S. Lubbers,
Research Director.
[FR Doc. 91–12253 Filed 5–22–91; 8:45 am]
BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Forms Under Review by Office of Management and Budget

May 17, 1991.

The Department of Agriculture has submitted to OMB for review the following proposals for the collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) since the last list was published. This list is grouped into new proposals, revisions, extensions, or reinstatements. Each entry contains the following information:

(1) Agency proposing the information collection; (2) Title of the information collection; (3) Form number(s), if applicable; (4) How often the information is requested; (5) Who will be required or asked to report; (6) An estimate of the number of responses; (7) An estimate of the total number of hours needed to provide the information; (8) Name and telephone number of the agency contact person.

Questions about the items in the listing should be directed to the agency person named at the end of each entry. Copies of the proposed forms and supporting documents may be obtained from: Department Clearance Officer, USDA, OIRM, Room 404–W, Administration Building, Washington, DC 20250, (202) 447–2118.

Revision

• Cooperative State Research Service.
Grant Application Kit, Addendum 1.
Forms CSRS–661, 662, 663 and 55 and AD–1047, 1048, 1049, 1050, and lobbying certification.
Annually.
Individuals or households; State or local governments; Businesses or other for-profit; Federal agencies of employees; Non-profit institutions; 3,600 responses; 17,500 hours.
Melvin J. Schlattman, (202) 401–5058.

Emergency

• Agricultural Marketing Service.
Navel Oranges Grown in Arizona and Designated Parts of California.
Marketing Order No. 907.
Recordkeeping; On occasion; Weekly; Annually; Daily.
Farms; Businesses or other for-profit; Small businesses or organizations; 210,486.5 responses; 25,232 hours.
Maureen Pello, (202) 447–813.

• Agricultural Marketing Service.
Valencia Oranges Grown in Arizona and Designated parts of California, Marketing Order No. 908.
Recordkeeping; On occasion; Weekly; Annually.
Farms; Businesses or other for-profit; 139,052 responses; 18,320 hours.
Maureen Pello, (202) 447–8139.

Donald E. Hulcher,
Deputy Departmental Clearance Officer.
[FR Doc. 91–12288 Filed 5–22–91; 8:45 am]
BILLING CODE 3410–01–M

Citizens' Advisory Committee on Equal Opportunity

AGENCY: Office of Advocacy and Enterprise, USDA.
ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Citizens' Advisory Committee on Equal Opportunity. The meeting will be open to the public. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463).

DATES: June 20 and 21, 1991, 9 a.m.–5 p.m. on the 20th and 8:30 a.m.–4 p.m. on the 21st.

ADDRESSES: The meeting location is at the Farmers Home Administration, 1520 Market Street, St. Louis, Missouri 63013. Send written statements to Steven Chang, Office of Advocacy and Enterprise, U.S. Department of Agriculture, 14th and Independence Avenue, SW., room 103–W, Administration Building, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Steven Chang, (202) 447–7381.

SUPPLEMENTARY INFORMATION: The committee will investigate the interaction between USDA agencies and those who benefit from USDA programs, particularly as it relates to equal employment opportunity and affirmative employment.

Dated: May 20, 1991.

Jo Ann C. Jenkins,

Director, Office of Advocacy and Enterprise.

[FR Doc. 91-12289 Filed 5-22-91; 8:45 am]

BILLING CODE 3410-94-M

Forest Service

Seed Orchard Pest Management Program in the Erambert and Black Creek Seed Orchards, National Forests in Mississippi, Perry and Forrest Counties, MI

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to prepare enviromental impact statement.

SUMMARY: The Department of Agriculture, Forest Service, will prepare a draft and final environmental impact statement (EIS) on a proposed action to develop a pest management program at two Mississippi Seed Orchards: The Erambert Seed Orchard near New Augusta and the Black Creek Seed Orchard near Brooklyn. The Forest Service invites written comments on the scope of the analysis. In addition, the Forest Service gives notice of the environmental analysis and decisionmaking process that will occur on the proposed action so that interested and affected people are aware of how they may participate and contribute to the final decision.

DATES: Comments concerning the scope of the analysis should be received in writing by June 24, 1991, to ensure timely consideration.

ADDRESSES: Send written comments to: Jerry Windham, USDA Forest Service, Erambert Seed Orchard, 368 Ashe Nursery Road, Brooklyn, MS 39425.

FOR FURTHER INFORMATION CONTACT: Jerry Windham, Erambert and Black Creek Orchard Manager, (601) 584-8488.

SUPPLEMENTARY INFORMATION: The Erambert and Black Creek Seed Orchards are managed for the production of longleaf, slash, shortleaf, and loblolly pine seed. The seed is used to produce seedlings for the National Forests in the Southern Coastal Plains; some of the seed is used in a tree improvement program to produce genetically superior trees. The primary objective of the orchards is to produce seed of high quality and sufficient quantity to meet Forest Service needs. Use of current pest management technology and products is necessary in order to achieve this goal.

The Forest Service will conduct an environmental analysis to determine what type of pest management program will be used at the Black Creek and Erambert Seed Orchards near New Augusta and Brooklyn, Mississippi, to produce seed for the National Forests in Mississippi, Florida, and Alabama. The pest management practices that will be analyzed include, but are not limited to, control of unwanted vegetation by mechanical and chemical methods; control of diseases using sanitation, biological control organisms, and fungicides; control of insect pests with biological and chemical insecticides, and use of sanitation; and control of animal pests through mechanical and preventative measures.

In preparing the environmental impact statement, the Forest Service will identify and consider a range of alternative pest management programs. One alternative will be the no action (continuation of the present pest management program). Another alternative will be a pest management program without the use of chemical pesticides. Other alternatives will be pest management programs comprised of various combinations of control methods.

Public participation will be especially important at several points during the analysis. The first point is during the scoping process (40 CFR 1501.7), which includes:

1. Defining the scope of the analysis and nature of the decision to be made.
2. Identifying the issues and determining the significant issues for consideration and analysis within the environmental impact statement.
3. Defining the proper make-up of the interdisciplinary team.
4. Exploring possible alternatives.
5. Identifying potential environmental effects.
6. Determining potential cooperating agencies.
7. Identifying groups or individuals interested or affected by the decision.

The Forest Service will be seeking information, comments, and assistance from Federal, State, and local agencies and other individuals or organizations interested in or affected by the proposed action.

Public participation will be solicited by notifying in person and/or by mail known interested and affected publics and key contacts of the scope of the analysis. In addition, news releases will be used to give the public general notice. Input from interested people and organizations will be used in preparation of the draft environmental impact statement.

The draft environmental impact statement is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by April 1992. At that time, EPA will publish a notice of availability of the draft environmental impact statement in the **Federal Register.**

The comment period on the draft environmental impact statement will be 45 days from the date the EPA's notice of availability appears in the **Federal Register.** It is very important that those interested in the proposed action participate at that time. To be most helpful, comments on the draft environmental impact statement should be as specific as possible and may address the adequacy of the statement or the merits of the alternatives discussed (see Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act 40 CFR 1503.3).

In addition, Federal court decisions have established that reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewers' position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553 (1978). Environmental objections that could have been raised at the draft stage may be waived if not raised until after completion of the final environmental impact statement. *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Circuit, 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). The reason for this is to ensure that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final.

Following the comment period on the draft environmental impact statement, comments will be analyzed, considered, and responded to by the Forest Service in preparing the final environmental impact statement. The final environmental impact statement is scheduled to be completed by September 1992.

The responsible official will consider the comments and responses; environmental consequences discussed in the environmental impact statement; and applicable laws, regulations, and policies in making a decision regarding this proposal. The decision and reasons for the decision will be documented in the Record of Decision. That decision will be subject to appeal in accordance with 36 CFR 217.

Kenneth R. Johnson, Forest Supervisor, National Forests in Mississippi, is the responsible official.

Dated: May 16, 1991.

Kenneth R. Johnson,

Forest Supervisor.

[FR Doc. 91–12310 Filed 5–22–91; 8:45 am]

BILLING CODE 3410–11–M

Soil Conservation Service

Muddy Creek-Orderville Watershed, Kane County, UT

AGENCY: Soil Conservation Service, U.S. Department of Agriculture.

ACTION: Notice of finding of no significant impact.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council of Environmental Quality Guidelines (40 CFR part 1500); and the Soil Conservation Service Guidelines (7 CFR part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an enviornmental impact statement is not being prepared for the Muddy Creek-Orderville Watershed, Kane County, Utah.

FOR FURTHER INFORMATION CONTACT: Mr. Francis T. Holt, State Conservation Service, PO Box 11350, Salt Lake City, Utah 84147, Com (801) 524–5050, FTS 588–5050. .

SUPPLEMENTARY INFORMATION: The environmental assessment of this federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Francis T. Holt, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The project concerns a plan for a watershed protection. Planned actions include pinyon-juniper chaining, brush clearing, and seeding. Conservation treatment elements of the resource management systems include grazing management systems, fencing, and spring developments.

The Notice of Finding of No Significant Impact (FONSI) has been forwarded to the Environmental Protection Agency and to various federal, state, and local agencies and interested parties. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Francis T. Holt. The FONSI has been sent to various federal, state, and local agencies and interested parties. A limited number of copies of the FONSI are available to fill single copy requests at the above address.

Implementation of the proposal will not be initiated until June 24, 1991.

(Catalog of Federal Domestic Assistance Program No. 10.904, Watershed Protection and Flood Prevention Program. Office of Management and Budget Circular A–95 regarding state and local clearinghouse review of federal and federally assisted programs and projects is applicable)

Dated: May 13, 1991.

Sherrie Rasmussen,

State Administrative Officer.

[FR Doc. 91–12202 Filed 5–22–91; 8:45 am]

BILLING CODE 3410–16–M

COMMISSION ON CIVIL RIGHTS

Agenda and Public Meeting of the Colorado Advisory Committee

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a meeting of the Colorado Advisory Committee to the Commission will be held from 7 p.m. until 9 p.m. on Wednesday, June 19, 1991, at the Radisson Hotel, Colorado Room, 1550 Court Place, Denver, CO 80202. The purpose of this meeting is to discuss plans for future projects and to review procedures for a briefing forum on the employment of minorities and women in construction of the new Denver airport.

Persons desiring additional information should contact Committee Chairperson, Gwen Thomas, or William F. Muldrow, Director of the Rocky Mountain Regional Division (303) 844–6716 (TDD 303–844–6720). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter, should contact the Regional Division at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, May 15, 1991.

Carol Lee Hurley,

Chief, Regional Programs Coordination Unit.

[FR Doc. 91–12203 Filed 5–22–91; 8:45 am]

BILLING CODE 6335–01–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

Electronic Instrumentation Technical Advisory Committee; Closed Meeting

A meeting of the Electronic Instrumentation Technical Advisory Committee will be held June 18, 1991, 9 a.m., in the Herbert C. Hoover Building, room 1092, 14th Street & Pennsylvania Avenue NW., Washington, D.C. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to electronics and related equipment and technology. The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on January 5, 1990, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C., 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the notice of determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information, contact Lee Ann Carpenter on (202) 377–2583.

Dated: May 20, 1991.

Betty Anne Ferrell,

Director, Technical Advisory Unit.

[FR Doc. 91–12303 Filed 5–22–91; 8:45 am]

BILLING CODE 3510–DT–M

International Trade Administration

[A–588–703]

Certain Internal-Combustion, Industrial Forklift Trucks From Japan; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests by four respondents, the Department of Commerce has conducted an administrative review of the antidumping duty order on certain internal-combustion, industrial forklift trucks from Japan. The review covers four manufacturers/exporters of the subject merchandise to the United

States during the period November 24, 1987 through July 31, 1989. The review indicates the existence of dumping margins for the period.

As a result of the review, the Department has preliminarily determined to assess antidumping duties equal to the difference between the United States price and foreign market value.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 23, 1991.

FOR FURTHER INFORMATION CONTACT: Stephen Jacques, Mark Schwendler, Margaret Gooden, Marissa Rauch, Norbert Gannon or Linda Pasden, Office of Agreements Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–3793.

SUPPLEMENTARY INFORMATION:

Background

On June 9, 1989, the Department of Commerce (the Department) published a notice of "Opportunity to Request an Administrative Review" (54 FR 24728). Four respondents, Toyota Motor Corporation ("Toyota"), Nissan Motor Co., Ltd. ("Nissan"), Toyo Umpanki Co., Ltd. ("TCM"), and Mitsubishi Heavy Industries, Ltd. ("MHI"), requested an administrative review. We initiated the review on July 25, 1989 (54 FR 30915) covering the period November 24, 1987, through July 31, 1989. The Department has now conducted this review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act). These are the first results of administrative review published since the antidumping duty order was issued on June 7, 1988 (53 FR 20882).

Scope of the Review

The products covered by this review are certain internal-combustion, industrial forklift trucks, with lifting capacity of 2,000 to 15,000 lbs. The products covered by this review are further described as follows: Assembled, not assembled, and less than complete, finished and not finished, operator-riding forklift trucks powered by gasoline, propane, or diesel fuel internal-combustion engines of off-the-highway types used in factories, warehouses, or transportation terminals for short-distance transport, towing, or handling of articles. Less than complete forklift trucks are defined as imports which include a frame, by itself or a frame assembled with one or more component parts. Component parts of the subject forklift trucks which are not assembled with a frame are not covered by this order. During the review period such merchandise was classifiable under item numbers 692.4025, 692.4030, and 692.4070 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently classifiable under the Harmonized System (HS) item numbers 8427.20.00–0, 8427.90.00–0, and 8431.20.00–0. The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers sales and entries by Toyota, Nissan, TCM, and MHI during the period November 24, 1987, through May 31, 1989.

Such or Similar Comparisons

For all respondent companies, pursuant to section 771(16)(C) of the Act, we established categories of "such or similar" merchandise on the basis of load (lifting) capacity of the forklift. Within these categories, we based our product comparisons on six primary characteristics, to which we assigned "points" indicating their relative importance. These characteristics and their point totals are as follows: Tire type, 6 points; upright style, 5 points; engine type, 4 points; transmission type, 3 points; maximum forklift height, 2 points; engine size, 1 point. Where there were no identical products sold in the home market, we selected the most similar product on the basis of the point totals resulting from the six characteristics listed above.

Data Changes Required for the Final Results of Review

This is a highly complex case which has required a unique reporting system in that the respondents have been responsible for completing the model match programs and conducting the below cost tests. This arrangement has required the Department to deviate from its standard policy of incorporating all additional changes to the computer programs in the preliminary results of review. The Department made certain changes where the data was available. Certain changes are to be made by the respondents. These changes are being submitted at the request of the Department due to unusual circumstances of this case. Detailed deficiency letters are being provided to the respondents. Within two weeks of the publication of this notice, respondents must submit a narrative description of how the changes are to be made. Petitioners may respond to these changes and the preliminary results of review within the 30 day comment period. If a hearing is requested, petitioners are to incorporate all comments in the case briefs. We will consolidate all changes for the final results of review. We have outlined below all of the changes requested thus far of each of the respondents.

Best Information Available

The Department has determined that the use of best information available is appropriate for MHI, in accordance wtih section 776(c) of the Act. MHI failed to report 75 percent of home market sales. The Department made repeated requests of MHI to provide sales of its related dealers to end users. MHI failed to provide these data or convincing evidence to support its claim that these data were not necessary as its home market sales to related dealers were at prices reflective of arm's-length transactions. Because MHI did not provide the cost of production data for transactions with end users, the Department was unable to conduct the below cost test necessary to determine if there were sufficient sales at or above the cost of production to form a basis for foreign market value. These omissions effectively preclude any meaningful analysis.

Furthermore, we determined that MHI neglected to report approximately 30 percent of its sales to the United States during the period. MHI was informed in the March 20, 1990 deficiency questionnaire that MHI was to report all of its sales to the United States during the review period. Therefore, our determination with respect to MHI will be based on the best information available. In this case, the Department used MHI's previous rate, the all other rate from the investigation.

United States Price

For those sales made directly to unrelated parties prior to importation into the United States, we based the United States price on purchase price, in accordance with section 772(b) of the Act. For sales made through a related sales agent in the United States to an unrelated purchaser prior to the date of importation, we also used purchase price as a basis for determining United States price. For these sales, the Department determined that purchase price was the most appropriate indicator of United States price based on the following elements:

(1) The merchandise in question was shipped directly from the manufacturer to the unrelated buyer, without being introduced into the inventory of the related selling agent; (2) This was a customary commercial channel for sales of this merchandise between the parties involved; and, (3) The related selling agent located in the United States acted

only as a processor of sales-related documentation and a communication link with the unrelated U.S. buyer.

Where all of the above elements are met, we regard the routine selling functions of the exporter as merely having been relocated geographically from the country of exportation to the United States, where the sales agent performs them. Whether these functions are performed in the United States or abroad does not change the substance of the transactions or the functions themselves.

Where the sale to the first unrelated purchaser took place after importation into the United States, we based United States price on exporter's sales price (ESP), in accordance with section 772(c) of the Act. The calculation of United States price for each respondent is detailed below.

A. Toyota

We calculated purchase price and ESP based on the packed, c & f, c.i.f., and delivered prices to unrelated customers in the United States. We made deductions from purchase price and ESP, where appropriate, for foreign inland freight, foreign inland insurance, export brokerage, ocean freight, marine insurance, import brokerage, U.S. duty, U.S. inland freight, and U.S. inland insurance, in accordance with section 772(d)(2) of the Act. We also made deductions, where appropriate, for discounts and rebates. We made further deductions from ESP, where appropriate, for credit expenses, warranties, advertising, service payments to dealers, and indirect selling expenses (which include inventory carrying costs, product liability insurance, advertising, and selling expenses), pursuant to sections 772(e)(1) and (2) of the Act. In accordance with 772(d)(1)(c) of the Act, we added to the United States price the amount of the consumption tax that would have been collected on the export sale had it been subject to the tax. We computed the tax by multiplying the transfer price by the tax rate. For purchase price sales, we multiplied the unit price, less foreign brokerage, foreign inland freight and insurance, and ocean freight by the tax rate. For ESP transactions involving further manufacturing prior to sale in the United States, we deducted all value added in the United States, pursuant to section 772(e)(3) of the Act.

Toyota calculated the credit expense on ESP transactions by offsetting the actual short-term rate of its related finance company with its intercorporate short-term rate. We disallowed the offset and recalculated Toyota's credit expense based on the actual short-term borrowing experience of its related finance company.

Toyota did not include in its calculations of inventory carrying costs on ESP transactions the average time period from date of the entry to the date of receipt in the warehouse in the United States. We recalculated inventory carrying costs to include an additional 10 to 13 days, based on information provided at verification.

Toyota claimed a deduction from ESP for commissions paid to dealers for the sale of forklifts to end-users. Since these commissions are tantamount to post-sale rebates, we treated them as direct selling expenses.

Toyota reimbursed dealers for labor and parts in the form of a rebate. We increased value added by the amount of this rebate granted to dealers. Also, Toyota incorrectly included some of its direct warranty expenses in indirect selling expenses. We recalculated the warranty expense and allocated it across all units sold. In calculating U.S. brokerage and handling and U.S. inland freight, Toyota inadvertently used the wrong amount in its allocation. We recalculated using the correct amount which was obtained at verification. Toyota allocated ocean freight on a per unit basis. We recalculated ocean freight and allocated the expense on the basis of weight. For the final results of review, this expense must be reported on a shipment-by-shipment basis.

We also made specific data entry changes to rebates and commissions as identified at verification. Certain other adjustments to price must be recalculated by Toyota prior to the final results. The recalculations are as follows: (1) Toyota needs to recalculate indirect selling expenses on a sales value basis by model after stripping out direct warrant expenses and ORS retrofit expenses. (2) Toyota needs to include the portion of selling expenses incurred by Toyoda Automatic Loom Ltd. on sales to the United States in indirect selling expenses. (3) Toyota records its co-op advertising expenses on a sale-by-sale basis by dealer; therefore, these expenses need to be reported in this manner. (4) Toyota needs to correct its calculation of occupancy expenses based on the proportion of space used for the value added operations. (5) Toyota must recalculate its non-operating expenses to eliminate offsets of income from other business ventures because there is no relationship between the income from other business ventures and the non-operating expenses for forklift trucks. (6) Toyota must reallocate a portion of profit and general administrative expenses to cover rebates we have included in the value added.

B. Nissan

We calculated ESP based on the packed, c.i.f. and delivered prices to unrelated customers in the United States. We made deductions from ESP, where appropriate, for foreign inland freight, foreign inland insurance, shipping charges, invoice preparation fees, ocean freight, marine insurance, U.S. duty, brokerage, and U.S. inland freight, in accordance with section 772(d)(2) of the Act. We also made deductions, where appropriate, for discounts and rebates. We recalculated packing to separate the cost of containerization and deducted it from ESP. We made further deductions from ESP, where appropriate, for credit expenses, technical services, warranties, advertising, service payments to dealers, and indirect selling expenses (which included inventory carrying costs, product liability insurance, advertising, and selling expenses), pursuant to sections 772 (e) (1) and (2) of the Act. In accordance with section 772(d)(1)(c) of the Act, we added to the United States price the amount of the consumption tax that would have been collected on the export sale had it been subject to the tax. We computed the tax by multiplying the unit price, less foreign inland freight, ocean freight and marine insurance, U.S. Customs fees, invoice preparation fees, drayage, U.S. inland-freight, containerization, and discounts, by the tax rate. For ESP transactions involving further manufacture prior to sale in the United States, we deducted all value added in the United States.

For the preliminary results, we used the credit expenses and credit revenue Nissan reported on installment sales. We verified Nissan's methodology and calculation, and they are reasonable.

For the final results of review, Nissan must recalculate the advertising expenses incurred in Japan on behalf of the sales to the United States. The factor used to allocate this expense was calculated incorrectly because it compared advertising expense by model in yen to total sales value for each model in U.S. dollars.

C. TCM

We calculated purchase price and ESP based on the packed, c.i.f. and delivered prices to unrelated customers in the United States. We made deductions from purchase price and ESP, where appropriate, for foreign inland freight, export brokerage, ocean freight, marine insurance, containerization, import brokerage, U.S. Customs fees, U.S.

inland freight, and U.S. inland insurance, in accordance with section 772(d)(2) of the Act. We also made deductions, where appropriate, for discounts and rebates. In accordance with section 772(d)(1)(c) of the Act, we added to the United States price the amount of the consumption tax that would have been collected on the export sale had it been subject to the tax. We computed the tax by multiplying the transfer price by the tax rate. For purchase price sales, we multiplied the unit price, less foreign brokerage, foreign inland freight and insurance, and ocean freight by the tax rate. We made further deductions from ESP, where appropriate, for credit expenses, warranties, service payments to dealers, and indirect selling expenses (which includes inventory carrying costs, the markup of the Japanese trading companies and selling expenses), pursuant to sections 772(e) (1) and (2) of the Act.

For the preliminary results, we used the credit expenses and credit revenue TCM reported on installment sales. We verified TCM's methodology and calculation, and they are reasonable.

TCM calculated export brokerage and foreign inland freight based on a standard weight for each model. We recalculated these charges based on the actual shipment weight of each unit.

Certain other adjustments to price must be recalculated by TCM prior to the final results of review. TCM must recalculate containerization on a volume basis where the expense was calculated on a value basis and report this expense in yen. TCM must recalculate the indirect selling expense incurred in Japan on behalf of the sales to the United States because it derived an allocation ratio using two different currencies. TCM compared the indirect selling expense (in yen) to total sales value (in U.S. dollars) to derive the allocation ratio.

For ESP transactions involving further manufacture prior to sale in the United States, we deducted all value added in the United States, pursuant to section 772(e)(3) of the Act. TCM must reallocate the general and administrative expenses incurred in Japan on behalf of these sales to the United States as these amounts were derived in the same manner as indirect selling expenses.

TCM did not report approximately 1 percent of the sales to the U.S. during the period. For these unreported sales we used best information available ("BIA"). As BIA, we used the highest single margin found on TCM's U.S. sales.

Foreign Market Value

In accordance with section 773(a) of the Act, we calculated foreign market value ("FMV") based on home market sales and, where appropriate, constructed value. The calculation of FMV for each respondent is detailed below.

A. Toyota

We calculated FMV based on the c & f and f.o.b. prices to unrelated and related customers in the home market. Where appropriate, we made deductions from the home market price for inland freight and for rebates. Since no packing costs were claimed on home market sales, we added U.S. packing to the home market price.

For comparisons involving purchase price sales, we made adjustments to the home market price, where appropriate, for differences in credit expenses, warranties, and advertising. We made a circumstance of sale adjustment to FMV in the amount of the difference in the consumption tax between the two markets in order to insure a tax-neutral margin. The consumption tax affected only those sales in the home market on or after April 1, 1989 (date of implementation of the tax). This was done by adding to home market price the equivalent of the tax added to U.S. price. For comparisons involving ESP transactions, we made deductions from the home market price, where appropriate, for credit expenses, warranties, and advertising. We made an adjustment to FMV for indirect selling expenses (which includes various incentives and selling expenses) in the home market to offset indirect selling expenses on ESP sales in the United States. We limited the indirect selling expense deduction on home market sales by the amount of the indirect selling expenses incurred in the United States in accordance with 19 CFR 353.15(c). We made further adjustments to the home market price to account for differences in the physical characteristics of the merchandise.

Toyota's advertising expenses are overstated because they included incorrect amounts for reimbursements to dealers. At verification Toyota agreed to recalculate this expense.

B. Nissan

Petitioners alleged that Nissan's home market sales were made at less than the cost of production and that constructed value should be used to compute foreign market value. We determined that the allegation was sufficient and initiated a below cost investigation. For each load capacity category, we compared the home market prices, net of inland freight, discounts and rebates, plus credit revenue, to the cost of production which included materials, fabrication costs, and general expenses.

Where there were no, or insufficient sales of such or similar merchandise in each of the load capacity categories, at prices above the cost of production, we used constructed value as the basis for calculating foreign market value. Constructed value was based on the respondent's information. Since Nissan's general expenses were less than the statutory minimum of ten percent of the cost of materials and fabrication, we used the statutory minimum. Since Nissan's reported home market profit was less than eight percent of materials, fabrication, and general expenses, we used the statutory minimum of eight percent.

Where we found sufficient above-cost sales in the home market to form a basis for comparison, we calculated foreign market value based on delivered prices to unrelated and related customers (these sales were determined to be arm's-length transactions) in the home market. We made deductions from the home market price for inland freight, and, where appropriate, for incidental charges, and discounts and rebates. Since no packing costs were claimed on home market sales, we added U.S. packing to the home market price. We made further deductions from the home market price, where appropriate, for credit expenses, warranties, advertising, and technical services. We adjusted FMV for indirect selling expenses (which includes the various "rebates" which were disallowed as direct expenses, inventory carrying costs, advertising, and selling expenses) in the home market to offset indirect selling expenses on ESP sales in the United States. We limited the indirect selling expense deduction on home market sales by the amount of the indirect selling expenses incurred in the United States in accordance with 19 CFR 353.15(c). We made adjustments to the home market price for credit revenue and to account for differences in the physical characteristics of the merchandise.

For the preliminary results, we used the credit expenses and credit revenue Nissan reported on installment sales. We verified Nissan's methodology and calculation, and they are reasonable.

Nissan claimed deductions from the home market price for certain payments to dealers with respect to service vans, facility improvements, and dealers hiring new staff. We treated these deductions as indirect selling expenses.

Nissan further claimed a deduction for a promotion campaign which included increasing used truck sales, growth ratio in the number of units serviced, profit per employee, etc. We treated this as an indirect selling expense. We made a circumstance of sale adjustment to FMV in the amount of the difference in the consumption tax between the two markets in order to insure a tax-neutral margin. The consumption tax affected only those sales in the home market on or after April 1, 1989 (date of implementation of the tax). This was done by adding to home market price the equivalent of the tax added to U.S. price.

Nissan also claimed deductions to home market price for certain payments relating to the increase in revenue in the service centers and for dealer reimbursements for service staff salaries. Because these are not directly related to sales, we treated them as indirect selling expenses. We did not make an adjustment for a period award rebate because it included sales outside the review period.

We included Nissan's claimed inventory carrying costs in indirect selling expenses. However, Nissan incorrectly calculated this expense by randomly selecting one day from each month and computed the number of days between the completion date and the date the truck was sold. Nissan must recalculate this expense for each truck sold in the home market based on the number of days between production and shipment to the customer.

Constructed value was used only in comparisons involving ESP transactions. Thus, we made deductions from constructed value for direct and indirect selling expenses up to the amount of the indirect selling expenses incurred for the U.S. sale.

We disregarded two sales of cushion tire forklift trucks in the home market from the model match program because Nissan sold thousands of pneumatic tire forklift trucks in the home market during the period but only two sales of the cushion tire forklifts were sold during the period. Cushion tire forklifts are neither manufactured nor advertised by Nissan for sale in the home market. Design modifications were required in order for the cushion forklifts to be used in the home market. Nissan has reported that the actual production of the two cushion tire trucks was supervised by Nissan's export sales department. As a result, we determined that these sales were not in the ordinary course of trade.

C. TCM

Petitioners alleged TCM's home market sales were made at less than the cost of production and that constructed value should be used to compute FMV. We determined that the allegation was sufficient and initiated a cost investigation. For each load capacity category, we compared the home market prices, net of inland freight, discounts and rebates, to the cost of production which included materials, fabrication costs, and general expenses.

Where we found sufficient above-cost sales in the home market to form a basis for comparison, we calculated foreign market value based on delivered prices to unrelated and related customers (these sales were determined to be arm's-length transactions) in the home market. We made deductions from the home market price, where appropriate, for rebates. Since no packing costs were claimed on home market sales, we added U.S. packing. We also made a deduction for inland freight. However, because TCM allocated this expense on the basis of sales value by dealer to total freight charged to all dealers, TCM must reallocate this expense for each dealer based on shipment distance and weight of the truck.

For comparisons involving purchase price sales, we made additional adjustments to the home market price, where appropriate, for differences in credit expenses, credit revenue, and warranties. For comparisons involving ESP transactions, we made deductions from the home market price, where appropriate, for credit expenses, and warranties. We adjusted FMV for indirect selling expenses (which includes inventory carrying costs and selling expenses) in the home market to offset indirect selling expenses on ESP sales in the United States. The indirect selling expense deduction on home market sales was limited by the amount of the indirect selling expenses incurred in the United States in accordance with 19 CFR 353.15(c). We added packing expenses incurred in Japan for U.S. sales to FMV. We did not deduct the consumption taxes from home market prices because they were already deducted by TCM.

We made a circumstance of sale adjustment to FMV in the amount of the difference in the consumption tax between the two markets in order to insure a tax-neutral margin. The consumption tax affected only those sales in the home market on or after April 1, 1989 (date of implementation of the tax). This was done by adding to home market price the equivalent of the tax added to U.S. price. We made further adjustments to the home market price to account for differences in the physical characteristics of the merchandise.

For the preliminary results, we used the credit expenses and credit revenue TCM reported on installment sales. We verified TCM's methodology and calculation, and they are reasonable.

Where there were no, or insufficient sales of such or similar merchandise in each of the load capacity categories, at prices above the cost of production, we used constructed value as the basis for calculating FMV. Constructed value was based on the respondent's information. Since TCM's general expenses were more than the statutory minimum of ten percent of the cost of materials and fabrication, we used the actual expenses. Since TCM's reported home market profit was less than eight percent of materials, fabrication, and general expenses, we used the statutory minimum.

Where constructed value was used in comparisons involving purchase price transactions, we adjusted for the differences in credit expenses, credit revenue, and warranty expenses. Where constructed value was used in comparisons involving ESP transactions, we deducted direct selling expenses and indirect selling expenses up to the amount of indirect selling expenses incurred on the U.S. sale.

Preliminary Results of Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following margins exist for the period November 24, 1987 through May 31, 1989:

Manufacturer	Margin (percent)
Toyota Motor Corporation	7.95
Nissan Motor Co., Ltd	12.00
Toyo Umpanki Co., Ltd	9.77
Mitsubishi Heavy Industries, Ltd	39.15

Interested parties may request disclosure within 5 days of the date of publication of this notice and may request a hearing within 10 days of publication. Requests for an administrative protective order must be made no later than 5 days after the date of publication. Any hearing, if requested, will be held 44 days after the date of publication or the first workday thereafter.

Case briefs and/or written comments from interested parties may be submitted not later than 30 days after

the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 37 days after the date of publication of this notice. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of the final results of this review for all shipments of the subject merchandise from Japan entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed companies will be that established in the final results of this review; for merchandise exported by manufacturers or exporters not covered in this review but covered in the final determination of sales at less than fair value (the originial investigation), the case deposit rate will continue to be the rate published in that final determination; (2) If the exporter is not a firm covered in this review or the original investigation, but the manufacturer is, the cash deposit rate will be that established for the manufacturer of the merchandise in the final results of this review or the original investigation of sales at less than fair value, whichever is the most recent; (3) The cash deposit rate for all other exporters/producers shall be 12.00 percent for shipments of internal-combustion, industrial forklift trucks from Japan. This is the highest non-BIA rate for any firms included in this review. These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice is in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: May 15, 1991.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 91-12248 Filed 5-22-91; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-028]

Roller Chain, Other Than Bicycle, From Japan; Preliminary Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration Department of Commerce.

ACTION: Notice of preliminary results of antidumping duty administrative review.

SUMMARY: In response to requests by the petitioner and several respondents, the Department of Commerce has conducted an administrative review of the antidumping finding on roller chain, other than bicycle, from Japan. The review covers five firms, and the period April 1, 1986 through March 31, 1987. The review indicates the existence of dumping margins during this period. As a result of the review, the Department of Commerce has preliminarily determined to assess antidumping duties equal to the calculated differences between United States price and foreign market value.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: May 23, 1991.

FOR FURTHER INFORMATION CONTACT: Lisa Boykin, Edward Haley, or Robert J. Marenick, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-5255.

SUPPLEMENTARY INFORMATION:

Background

On October 22, 1990, the Department of Commerce (the Department) published in the **Federal Register** (55 FR 42608) the final results of its last administrative review of the antidumping finding on roller chain, other than bicycle, from Japan (38 FR 9226; April 12, 1973). The American Chain Association, the petitioner, and several respondents requested in accordance with 19 CFR 353.53a(a) (1985) that we conduct an administrative review. We published a notice of initiation of the antidumping duty administrative review on May 20, 1987 (52 FR 18937). The Department has now conducted that administrative review with respect to five firms in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act).

Scope of the Review

Imports covered by this review are shipments of roller chain, other than bicycle, from Japan. The term "roller chain, other than bicycle," as used in this review includes chain, with or without attachments, whether or not plated or coated, and whether or not manufactured to American or British standards, which is used for power transmission and/or conveyance. Such chain consists of a series of alternately-assembled roller links and pin links in which the pins articulate inside the bushings and the rollers are free to turn on the bushings. Pins and bushings are press fit in their respective link plates. Chain may be single strand, having one row of roller links, or multiple strand, having more than one row of roller links. The center plates are located between the strands of roller links. Such chain may be either single or double pitch and may be used as power transmission or conveyor chain.

This review also covers leaf chain, which consists of a series of link plates alternately assembled with pins in such a way that the joint is free to articulate between adjoining pitches. This review further covers chain model numbers 25 and 35. During the review period, roller chain, other than bicycle, was classified under various provisions of the Tariff Schedules of the United States Annotated (TSUSA) from item numbers 652.1400 through 652.3800, and is currently classifiable under Harmonized Tariff System (HTS) item numbers 7315.11.00 through 7616.90.00. The TSUSA and HTS item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The Department initiated a review covering eleven manufacturers/exporters of roller chain to the United States and the period April 1, 1986, through March 31, 1987. Of these eleven firms, the review of three companies has been deferred, the finding has been revoked with respect to two companies, and the review of another company has been terminated. We are reviewing Daido Kogyo Co., Ltd., and Enuma Chain Manufacturing Co., Ltd., separately. Sugiyama Chain Co., Ltd. (Sugiyama), is not included in this review because we are conducting all outstanding reviews of Sugiyama concurrently. The finding was revoked with respect to Tsubakimoto Chain Co., Ltd. (Tsubakimoto), effective September 1, 1983 (54 FR 33259; August 14, 1989), and with respect to Honda Motor Co., Ltd. (Honda), effective October 8, 1982 (56 FR 18564; April 23, 1991). The review of Nissan Motor Co., Ltd. (Nissan), was terminated May 7, 1991 (56 FR 21128).

This review covers five manufacturers/exporters of roller chain, other than bicycle, from Japan, and the period April 1, 1986, through March 31, 1987. We have reviewed the sales of

Hitachi Metals Techno (Hitachi) and Izumi Chain Co., Ltd. (Izumi). We have used the best information available (BIA) for Takasago RK Excel Co., Ltd. (Takasago), Toyota Motor Co., Ltd. (Toyota), and Pulton Chain Co., Ltd. (Pulton), because Takasago and Toyota did not submit a computer tape, and Pulton provided a computer tape the Department could not use. As BIA the Department used the highest rate calculated for a responding firm in this review.

United States Price

In calculating United States price (USP), the Department used both purchase price and exporter's sales price (ESP), both as defined in section 772 of the Tariff Act. For those sales made directly to unrelated parties prior to importation into the United States we based USP on purchase price. Purchase price was based on packed, F.O.B. Japanese port, or C.I.F. duty-paid, delivered prices to unrelated purchasers in the United States. Where applicable, we made deductions for ocean freight, marine insurance, foreign and U.S. inland freight, brokerage and handling charges, discounts, and U.S. import duties. No other adjustments were claimed or allowed.

Where sales to the first unrelated purchaser occurred after importation into the United States, we based USP on exporter's sales price. We calculated ESP based on the packed, C.I.F. delivered price. Where applicable, we made deductions for ocean freight and insurance, brokerage and handling charges, U.S. import duties, foreign and U.S. inland freight, commissions, discounts, credit expenses, and indirect selling expenses. No other adjustments were claimed or allowed.

Foreign Market Value

In calculating foreign market value (FMV), the Department used home market price, as defined in section 773 of the Tariff Act, when sufficient quantities of such or similar merchandise were sold in the home market to provide a basis for comparison. For each such or similar category where there were insufficient sales in the home market (Izumi only), and there were no sales to third countries, we then calculated FMV on the basis of constructed value (CV), in accordance with section 773(a)(2) of the Tariff Act.

Home market price was based on a packed, delivered price to unrelated purchasers in Japan. For Izumi we calculated CV as the sum of materials, fabrication costs, general expenses, and profit. The amounts added for general expenses and profit were the statutory minimums of 10 percent of the sum of materials and fabrication costs, and 8 percent of the sum of materials, fabrication costs, and general expenses, respectively. Where applicable, we made deductions from FMV for inland and ocean freight, insurance, brokerage and handling costs, and direct selling expenses. We made adjustments for differences in packing, credit expenses, commissions, differences in merchandise, and warranty expenses. We deducted indirect selling expenses, limited to the amount of U.S. commissions and indirect selling expenses. No other adjustments were claimed or allowed.

Preliminary Results of the Review

As a result of our comparison of United States price to foreign market value, we preliminarily determine that the following weighted-average margins exist for the period April 1, 1986, through March 31, 1987:

Manufacturer/exporter	Margin (percent)
Hitachi Metals Techno	3.70
Izumi Chain Co	5.72
Pulton Chain Co	5.72
Takasago RK Excel Co	5.72
Toyota Motor Co	5.72

Parties to the proceeding may request disclosure within five days of the date of publication of this notice and may request a hearing within 10 days of publication. Any hearing, if requested, will be held 44 days after the date of publication of this preliminary notice or the first workday thereafter. Parties to the proceeding may submit prehearing briefs and/or written comments not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be filed not later than 37 days after the date of publication. The Department will publish the final results of the administrative review, including the results of its analysis of any such comments or hearing.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions for all companies directly to the Customs Service.

Given the fact that reviews for more recent periods have already been completed, the dumping margins determined in this preliminary notice will have no impact on the current cash deposit rates. As provided by section 751(a)(1) of the Tariff Act, the Customs Service shall continue to require a cash deposit for all merchandise produced or exported by Hitachi, Izumi, Pulton, Takasago, Toyota, Sugiyama, or Nissan, of estimated antidumping duties based on the final rates published for each firm's most recent administrative review period.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53a(a) of the Commerce Regulations (19 CFR 353.53a(a)) (1985).

Dated: May 16, 1991.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 91-12304 Filed 5-22-91; 8:45 am]

BILLING CODE 3510-DS-M

Latin America/Caribbean Business Promotion Council; Notice of Re-establishment; Notice of Change of Name

In accordance with the provisions of the Federal Advisory Committee Act, 5 U.S.C., app. 2, and the General Services Administration (GSA) rule on Federal Advisory Committee Management, 41 CFR part 101-6, and after consultation with GSA, the Caribbean Basin Business Promotion Council under the new name "Latin America/Caribbean Business Development Council" was re-established on May 3, 1991 at the U.S. Department of Commerce.

The Committee will advise the Secretary, through the Deputy Assistant Secretary for the Western Hemisphere and the Ageny for International Development Administrator, through the Assistant Administrator for Latin America and the Caribbean, on ways to promote private sector investment and trade in Latin America and the Caribbean.

The Council will consist of twenty-eight members to be appointed by the Secretary. Twenty members will be high-level executives with manufacturing and relevant service sector experience in the region. Eight members will be representatives from U.S. Government agencies participating as nonvoting members.

The Council will function solely as an advisory body, and in compliance with

provisions of the Federal Advisory Committee Act.

For further information, please contact Margaret A. Almazan, Latin America/Caribbean Business Development Center, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: 202–377–0841.

Dated: May 17, 1991.

Margaret A. Almazan,

International Trade Specialist, Latin America/Caribbean Business Development Center.

[FR Doc. 91–12312 Filed 5–22–91; 8:45 am]

BILLING CODE 3510–25–M

[C–351–062]

Pig Iron From Brazil; Final Results of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of countervailing duty administrative review.

SUMMARY: On February 11, 1991, Department of Commerce published the preliminary results of its administrative review of the countervailing duty order on pig iron from Brazil for the period January 1, 1987 through December 31, 1987. We have now completed that review and determine the net subsidy to be zero or *de minimis* for seven firms and 1.85 percent *ad valorem* for all other firms.

EFFECTIVE DATE: May 23, 1991.

FOR FURTHER INFORMATION CONTACT: Christopher Beach or Maria MacKay, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC, 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On February 11, 1991, the Department of Commerce (the Department) published in the Federal Register (56 FR 5403) the preliminary results of its administrative review or the countervailing duty order on pig iron from Brazil (45 FR 23045). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Tariff Act).

Scope of Review

Imports covered by this review are shipments of Brazilian pig iron of basic foundry, malleable, and low phosphorous grades. During the review period, such merchandise was classifiable under item number 606.1300 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently clasifiable under item numbers 7201.10.00, 7201.20.00, 7201.30.00 and 7206.10.00 of the Harmonized Tariff Schedule (HTS). The TSUSA and HTS numbers are provided for convenience and Customs purpose. The written description remains dispositive.

The review covers the period January 1, 1987 through December 31, 1987 and twelve programs: (1) CACEX Preferential Working Capital Financing for Exports, (2) Income Tax Exemption for Export Earnings, (3) IPI Export Credit Premium, (4) BEFIEX and CIEX, (5) PROEX and PORSIM, (6) Preferential Financing for the Storage of Merchandise, (7) FST and EGF Financing, (8) Accelerated Depreciation for Brazilian-Made Capital Goods, (9) FINEX, (10) FUNPAR, (11) FINEP and (12) CIC–OPCRE 6–2–6 financing.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received comments from Consider U.S.A., Inc., an importer.

Comment 1: Consider states that the exemption of export financing from the tax on financial transactions (the IOF tax) is not a subsidy. Consider claims that, in calculating the interest differential under the program for preferential working capital financing for exports, the exemption from the IOF tax for loans received under CACEX should not be considered. The IOF is an indirect tax on the financing used for the purchase of physically incorporated inputs. The non-excessive rebate of an indirect tax borne by exported merchandise is not a subsidy.

Department' Position: We addressed this issue in the last administrative review of this countervailing duty order, as well as in numerous administrative reviews of other countervailing duty orders on Brazilian products. See, *e.g., Certain Castor Oil Products from Brazil; Final Results of Administrative Review of Countervailing Duty Order* (September 8, 1983; 48 FR 40534). The Brazilian government has provided neither new evidence nor new arguments that convince us to reconsider our position on this issue.

Comment 2: Consider claims that the benefits derived from the income tax exemption for export earnings should be allocated over total revenue rather than export revenue. Under this program, a Brazilian exporter receives an exemption from income tax liabilities at the end of the fiscal year based upon the ratio of export to total revenue, provided that the firm has made an overall profit. Consider argues that, because the determining factor in a firm's eligibility for this benefit is its overall profitability for a given year, the benefit accrues to the operations of the whole firm and not just the exports.

Department's Position: We have considered and rejected this argument in numerous administrative reviews of other countervailing duty orders on Brazilian products. *See, e.g., Certain Scissors and Shears from Brazil; Final Results of Administrative Review of Countervailing Duty Order* (March 10, 1982; 47 FR 10266). We have stated that, when a firm must export to be eligible for benefits under a subsidy program and when the amount of the benefit received is tied directly or indirectly to the firm's level of exports, that program is an export subsidy. The fact that the firm as a whole must be profitable to benefit from this program does not detract from the program's basic function as an export subsidy. Therefore, the Department will continue to allocate the benefits under this program over export revenue instead of total revenue.

Final Results of Review

As a result of our review, we determine the new subsidy to be zero or *de minimis* for the seven firms listed below and 1.85 percent *ad valorem* for all other firms during the period January 1, 1987 through December 31, 1987:

(1) S.G. Comercio;
(2) Inbrasil;
(3) Amaral;
(4) Bondespachense;
(5) CBF;
(6) Cotra; and
(7) Foscalma

Therefore, the Department will instruct the Customs Service to liquidate, without regard to countervailing duties, all entries of this merchandise from the seven firms listed above, and to assess countervailing duties of 1.85 percent of the f.o.b. invoice price on shipments from all other firms exported on or after January 1, 1987 and on or before December 31, 1987.

Because the only programs used by the respondents during the review period, the CACEX export financing and Income Tax Exemption programs, have been terminated by the Government of Brazil, the Department will instruct the Customs Service to waive cash deposits of estimated countervailing duties on all

shipments of this merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice. This deposit waiver shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: May 16, 1991.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration

[FR Doc. 91-12305 Filed 5-22-91; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

Business Development Center Applications

AGENCY: Minority Business Development Agency; Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting competitive applications under statutory authority (15 U.S.C. 1512) and Executive Order 11625 its Minority Business Development Center (MBDC) Program to operate an MBDC for approximately a three-year period, subject to availability of funds. The cost of performance for the first 12 months is estimated at $165,000 in Federal funds and a minimum of $29,118 in non-Federal contributions for the budget period of October 1, 1991 to September 30, 1992. Cost-sharing contributions may be in the form of cash contributions, client fees for services, in-kind contribution, or combinations thereof. The MBDC will operate in the Tulsa Standard Metropolitan Statistical Area (SMSA).

The funding instrument for the MBDC will be a cooperative agreement. Competition is open to individuals, non-profit and for profit organizations, local and state governments, American Indian tribes, and educational institutions.

The MBDC program is designed to provide business development services to the minority business community for the establishment and operations of viable minority businesses. To this end, MBDA funds organizations that can coordinate and broker public and private resources on behalf of minority individuals and firms, offer a full range of management and technical assistance, and serve as a conduit of information and assistance regarding minority business.

Applications will be evaluated initially by regional staff on the following criteria: The experience and capabilities of the firm and its staff in addressing the needs of the business community in general and, specifically, the special needs of minority businesses, individuals and organizations (50 points); the resources available to the firm in providing business development services (10 points); the firm's approach (techniques and methodology) to performing the work requirements included in the application (20 points); and the firm's estimated cost for providing such assistance (20 points). An application must receive at least 70% of the points assigned to any one evaluation criteria category to be considered programmatically acceptable and responsive. The selection of an application for further processing by MBDA will be made by the Director based on a determination of the application most likely to further the purposes of the Department for final processing and approval if appropriate. The Director will consider past performance of the applicant on previous Federal awards.

MBDC's shall be required to contribute at least 15% of the total project cost through non-Federal contributions. Client fees for billable management and technical assistance (M&TA) rendered must be charged by MBDCs. Based on a standard rate of $50 per hour, MBDCs will charge client fees at 20% of the total cost for firms with gross sales of $500,000 or less and 35% of the total cost for firms with gross sales of over $500,000.

The MBDC may continue to operate after the initial competitive year for up to two (2) additional budget periods. Periodic reviews culminating in year-to-date quantitative and qualitative evaluations will be conducted to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as a MBDC's satisfactory performance, the availability of funds and Agency priorities.

CLOSING DATE: The closing date for applications is July 5, 1991. Applicants should mail the completed application to the office specified in the project announcement. MBDA will accept only those applications (1) which are received by the closing date or (2) which show acceptable evidence of mailing on or before the closing date. Acceptable evidence consists of (1) a legible U.S. Postal Service postmark or (2) a legible mail or courier service receipt dated on or before July 5, 1991. Anticipated processing time of this award is 120 days.

Note: Please mail completed application to the following address: San Francisco Regional Office, 221 Main Street, room 1280, San Francisco, California 94105.

FOR APPLICATION KIT OR OTHER INFORMATION CONTACT: Dallas Regional Office, 1100 Commerce Street, room 7B23, Dallas, Texas 75242, Attn: Yvonne Guevara.

SUPPLEMENTARY INFORMATION: Executive Order 12372 "Intergovernmental Review of Federal Programs" is not applicable to this program. Questions concerning the preceding information, copies of application and applicable regulations can be obtained through the Dallas Regional Office. A pre-bid conference will be held on June 13, 1991 in the U.S. Courthouse, Grand Jury Room 411, on 333 West 4th Street, Tulsa, Oklahoma at 9:30 a.m.

11.800 Minority Business Development (Catalog of Federal Domestic Assistance)

Notice: Applicants who have an outstanding account receivable with the Federal Government may not be considered for funding until these debts have been paid or arrangements satisfactory to the Department are made to pay the debt.

Notice: Section 319 of Public Law 101-121 generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with specific contract, grant, or loan. A "Certification for Contracts, Grants, Loans, and Cooperative Agreements" and the SF-LLL, "Disclosure of Lobbying Activities" (if applicable), is required.

Notice: Applicants are subject to Governmentwide Debarment and Suspension (Nonprocurement) requirements as stated in 15 CFR part 26. In accordance with the Drug-Free Workplace Act of 1988, each applicant must make the appropriate certification as a "prior condition" to receiving a grant or cooperative agreement.

Notice: Awards under this program shall be subject to all Federal and Departmental regulations, policies, and procedures applicable to Federal assistance awards.

Notice: A false statement on the application may be grounds for denial or termination for funds and grounds for possible punishment by a fine or imprisonment.

Dated: May 16, 1991.

Victor Casaus,

Deputy Regional Director.

[FR Doc. 91-12238 Filed 5-22-91; 8:45 am]

BILLING CODE 3510-21-M

National Oceanic and Atmospheric Administration

Marine Mammals: Issuance of Permit; NMFS, Southeast Fisheries Science Center (P77#51)

On April 5, 1991, notice was published in the **Federal Register** (56 FR 14087) that an application had been filed by the Southeast Fisheries Science Center, National Marine Fisheries Service, 75 Virginia Beach Drive, Miami, Florida 33149, for a permit to take tissue samples via projectile biopsies from all cetacean species likely to be encountered during the Center-sponsored Gulf of Mexico marine mammal survey cruises. The samples will be taken from the following species of cetacean: saddleback dolphin (*Delphinus delphis*), pygmy killer whale (*Feresa attenuata*), short-finned pilot whale (*Globicephala macrorhynchus*), Risso's dolphin (*Grampus griseus*), Fraser's dolphin (*Lagenodelphis hosei*), killer whale (*Orcinus orca*), melon-headed whale (*Peponocephala electra*), false killer whale (*Pseudorca crassidens*), pan-tropical spotted dolphin (*Stenella attenuata*), short-snouted spinner dolphin (*S. clymene*), striped dolphin (*S. coeruleoalba*), Atlantic spotted dolphin (*S. frontalis*), long-snouted spinner dolphin (*S. longirostris*), rough-toothed dolphin (*Steno bredanesis*), bottlenose dolphin (*Tursiops truncatus*), pygmy sperm whale (*Kogia breviceps*), and dwarf sperm whale (*K. Simus*). The samples will be used for scientific study and shared with other researchers.

Notice is hereby given that on May 16, 1991, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the National Marine Fisheries Service issued a Permit for the above taking subject to certain conditions set forth therein.

Issuance of this Permit is based on a finding that the proposed taking is consistent with the purposes and policy of the Marine Mammal Protection Act. The Service has determined that this research satisfies the issuance criteria for scientific research permits. The taking is required to further a bona fide scientific purpose and does not involve unnecessary duplication of research.

The Permit is available for review in the following offices:

By appointment: Office of Protected Resources, Permit Division, National Marine Fisheries Service, 1335 East-West Hwy., Silver Spring, Maryland 20910 (301/427-2289); and

Director, Southeast Region, National Marine Fisheries Service, 9450 Koger Blvd., St. Petersburg, Florida 33702 (813/893-3141).

Dated: May 16, 1991.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 91-12233 Filed 5-22-91; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Request for Modification to Permit No. 598

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Request for Modification to Scientific Research Permit No. 598, Alaska Fisheries Science Center (P77#28).

Notice is hereby given that the Alaska Fisheries Science Center (NMML), National Marine Fisheries Service, 7600 Sand Point Way NE., Bin C15700, Seattle, Washington 98115-0070, has requested a modification to Permit No. 598 pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

Permit No. 598 issued on July 23, 1988 (52 FR 27697) authorized no more than a total of 32,500 northern fur seal pups (*Callorhinus ursinus*) to be taken annually for population monitoring and assessment programs. The research involved capturing, restraint to affix radio transmitters, time-depth recorders, satellite-linked instruments, swim speed recorders, and/or other environmental sensors and behavioral recorders, lavaging or enema samples taken, and release of the animal.

Modification No. 1 authorized a total of up to 80 northern fur seals per year to be incidentally killed or injured during authorized research activities. An additional 3,260 northern fur seals were authorized to be taken annually to allow continuation of essential population monitoring and assessment programs by specified methods.

Modification No. 2 authorized up to 30,000 juvenile male northern fur seals to be taken annually by roundup. Up to 3,900 of the 30,000 male seals were authorized to be captured by physical restraint, marked, handled and released annualy and the rates of survival monitored.

A new modification is requested to chemically restrain (with 1.2-1.5 mg/kg of Telazol) rather than physically restrain large adult males too large to be handled safety during the attachment of satellite tags and the removal of entangling debris.

Concurrent with the publication of this notice in the **Federal Register**, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Written data or views, or requests for a public hearing on this proposed modification, should be submitted to the Assistant Administrator for Fisheries, National Marine Fisheries Service, U.S. Department of Commerce, 1335 East-West Highway, SSMC1, room 7324, Silver Spring, Maryland 20910, within 30 days of the publication date of this notice. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular proposal would be appropriate. The holding of such a hearing is at the discretion of the Assistant Administrator for fisheries. All statements and opinions contained in this proposed modification are summaries of those of the applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Documents submitted in connection with the above are available for review, by appointment, by interested persons in the following offices:

Permits Division, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, SSMC1, room 7324, Silver Spring, Maryland 10910 (301/427-2289);

Director, Northwest Region, National Marine Fisheries Service, NOAA, 7600 Sand Point Way NE., Bin C15700, Seattle, Washington 98115-0070 (206/526-6150); and

Director, Southwest Region, National Marine Fisheries Service, NOAA, 300 South Ferry Street, Terminal Island, California 90731-7415 (213/514-6196).

Dated: May 16, 1991.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 91-12234 Filed 5-22-91; 8:45 am]

BILLING CODE 3510-22-M

Marine Mammals; Issuance of Public Display Permit No. 739

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

ACTION: Issuance of public display permit no. 739.

SUMMARY: On Thursday, April 11, 1991, notice was published in the **Federal**

Register (56 FR 14694) that an application (P474) had been filed by Mount Desert Oceanarium, P.O. Box 696, Southwest Harbor, Maine 04679. A public display permit to obtain the care and custody, on a seasonal basis, of four Atlantic harbor seals (*Phoca vitulina vitulina*) currently in the possession of Mystic Marinelife Aquarium of Mystic, Connecticut.

Notice is hereby given that on May 13, 1991, as authorized by the provisions of the Marine Mammal Protection Act, the National Marine Fisheries Service issued a Permit for the above activities subject to the Special and General Conditions set forth therein.

The Permit is available for review by appointment by interested persons in the following offices:

Permits Division, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, room 7330, SSMC1, Silver Spring, Maryland 20910, (301) 427–2289; and

Director, Northeast Region, National Marine Fisheries Service, NOAA, One Blackburn Drive, Gloucester, Massachusetts 01930, (508) 281–9300.

Dated: May 16, 1991.

Nancy Foster,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 91–12235 Filed 5–22–91; 8:45 am]

BILLING CODE 3510-22-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Poland

May 17, 1991.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: May 28, 1991.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 377–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 566–5810. For information on embargoes and quota re-openings, call (202) 377–3715.

SUPPLEMENTARY INFORMATION:

Authority: Executive Order 11651 of March 3, 1972, as amended; section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854).

The current limit for Category 611 is being increased for swing and carryforward, reducing the limit for Categories 338/339 to account for the swing being applied. As a result, the limit for Category 611, which is currently filled, will re-open.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 55 FR 50756, published on December 10, 1990). Also see 55 FR 50756, published on December 10, 1990.

The letter to the Commissioner of Customs and the actions taken pursuant to it are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 28, 1991

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 4, 1990 by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Poland, and exported during the twelve-month period which began on January 1, 1991 and extends through December 31, 1991.

Effective on May 28, 1991, you are directed to amend the December 4, 1991 directive to adjust the limits for the following categories, as provided under the terms of the current bilateral textile agreement between the Governments of the United States and the Republic of Poland:

Category	Adjusted twelve-month limit [1]
Levels not in a group	
338/339	1,046,750 dozen.
611	1,484,000 square meters.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1990.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Auggie D. Tantillo,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 91–12300 Filed 5–22–91; 8:45 am]

BILLING CODE 3510-DR-F

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

AGENCY: Defense Advisory Committee on Women in the Services (DACOWITS).

ACTION: Notice of meeting.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given of a forthcoming meeting of the Executive Committee of the (DACOWITS). The purpose of the meeting is to review unresolved resolutions made by the committee at the DACOWITS 1991 Spring Conference; review the Subcommittee Issue Agenda; review the proposed agenda for the DACOWITS 1991 Executive Committee overseas visit; and discuss issues relevant to women in the Services. All meeting sessions will be open to the public.

DATES: June 14, 1990, 9:30 a.m.–4 p.m.

ADDRESSES: SECDEF Conference Room 3E869, The Pentagon, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Major Marilyn J. Kendall, Office of the DACOWITS and Military Women Matters, OASD (Force Management and Personnel), The Pentagon, room 3D769, Washington, DC 20301–4000; telephone (703) 697–2122.

Dated: May 17, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 91–12236 Filed 5–22–91; 8:45 am]

BILLING CODE 3810-01-M

Public Information Collection Requirement Submitted to OMB for Review

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Title, Applicable Form, and Applicable OMB Control Number: CHAMPUS Chiropractic Care Demonstration Beneficiary Survey.

Type of Request: Expedited submission—approval date requested: June 30, 1991.

Average Burden Hours/Minutes Per Response: 15 minutes.

Responses Per Respondent: One.

Number of Respondents: 381.

Annual Burden Hours: 95.25.

Annual Responses: 381.

Needs and Uses: Information will be used, in conjunction with other objective procedures, to evaluate the CHAMPUS Chiropractic Care Demonstration Project. Statistical sampling of various populations of beneficiaries with similar diagnoses will be utilized to provide data on the benefits and costs of chiropractic care, including the extent to which chiropractic, as an alternative source of care, would replace other medical services, rather than merely adding to the program costs.

Affected Public: Individuals/households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Mr. Joseph F. Lackey.

Written comments and recommendations on the proposed information collection should be sent to Mr. Lackey at the Office of Management and Budget, Desk Officer, room 3002, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. William P. Pearce.

Written request for copies of the information collection proposal should be sent to Mr. Pearce, WHS/DIOR, 1215 Jefferson Davis Highway, suite 1204, Arlington, Virginia 22203–4302.

Dated: May 17, 1991.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 3810-01-M

CHAMPUS

Blue Cross and Blue Shield of South Carolina
CHAMPUS Fiscal Intermediary
200 N. Dozier Boulevard
Florence, SC 29501

Mid-Atlantic Region 1-800-476-8500
Western Region 1-800-225-4816
California 1-800-334-0308

OMB APPROVED
0704 - XXXX
EXPIRES:

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0704 - XXXX), Washington, DC 20503.

Mr. John Doe
1234 Highroller Way
Lost Wages, NV 77777

Dear Mr. Doe: SSN#: 123-45-6789

Here are some questions about the chiropractic care you have been receiving. In terms of your satisfaction, how would you rate each of the following? (Circle one number on each line.)

		EXCELLENT	VERY GOOD	GOOD	FAIR	POOR
1.	How long you waited to get an appointment	5	4	3	2	1
2.	Amount of time you spent with the chiropractor.	5	4	3	2	1
3.	Explanation of what was done for you.	5	4	3	2	1
4.	The technical skills (thoroughness, carefulness, competence of the chiropractor).	5	4	3	2	1
5.	The outcome of your chiropractic care, how much you were helped.	5	4	3	2	1
6.	Overall quality of care and service.	5	4	3	2	1

CHAMPUS CCD Form Letter 1

(2)

Please describe how you have felt after receiving care for this conditon.

_____ Better than before starting treatment.
_____ Same as before starting treatment.
_____ Worse than before starting treatment.

Have your normal activities had to change because of this illness/injury?

/ / No

/ / Yes, I have had to stop working. If yes, please tell us how long you have been out of work. _____

/ / Yes, I am still working, but not at my normal job. If yes, please tell us what your new occupation is now and how long you have been working in this occupation._____

/ / Yes, I can't do all of the things I used to do, i.e, drive a car, wash my hair, activities of daily living. If yes, please tell us how long this has been true._____

Comments:

Thank you for your time and assistance. Please return the completed form in the self-addressed envelope provided.

CHAMPUS

Blue Cross and Blue Shield of South Carolina
CHAMPUS Fiscal Intermediary
200 W. Dozier Boulevard
Florence, SC 29501

Mid-Atlantic Region 1-800-476-8500
Western Region 1-800-225-4816
California 1-800-334-0308

OMB APPROVED
0704 - XXXX
EXPIRES:

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Mr. John Doe
1234 Highroller Way
Lost Wages, NV 77777

Dear Mr. Doe: SSN#: 123-45-6789

We have received your letter terminating your participation in the Chiropractic Care Demonstration Project, effective _____.
Here are some questions about the chiropractic care you received. In terms of your satisfaction, how would you rate each of the following? (Circle one number on each line.)

	EXCELLENT	VERY GOOD	GOOD	FAIR	POOR
1. How long you waited to get an appointment.	5	4	3	2	1
2. Amount of time spent with the chiropractor.	5	4	3	2	1
3. Explanation of what was done for you.	5	4	3	2	1
4. The technical skills (thoroughness, carefulness, competence of the chiropractor).	5	4	3	2	1
5. The outcome of your chiropractic care, how much you were helped.	5	4	3	2	1
6. Overall quality of care and service.	5	4	3	2	1

CHAMPUS CCD Form Letter 2

(11157) Rev. 7/90

(2)

Why did you choose to terminate your participation?

/ / Moved out of the area.
/ / Feel you were helped as much as could be, and feel better.
/ / Feel nothing more could be done, and don't feel better.
/ / Problems with the care received.

Would you consider seeing a chiropractor again?

/ / Yes / / No

Comments:

Thank you for your time and assistance. Please return the completed form in the self-addressed envelope provided.

CHAMPUS

Blue Cross and Blue Shield of South Carolina
CHAMPUS Fiscal Intermediary
200 N. Dozier Boulevard
Florence, SC 29501

Mid-Atlantic Region 1-800-476-8500
Western Region 1-800-225-4816
California 1-800-334-0308

OMB APPROVED
0704 - XXXX
EXPIRES:

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0704 - XXXX), Washington, DC 20503.

Mr. John Doe
1234 Highroller Way
Lost Wages, NV 77777

Dear Mr. Doe: SSN#: 123-45-6789

Your chiropractor has notified us that he/she has released you from treatment. Here are some questions about the chiropractic care you received. In terms of your satisfaction, how would you rate each of the following? (Circle one number on each line.)

	EXCELLENT	VERY GOOD	GOOD	FAIR	POOR
1. How long you waited to get an appointment.	5	4	3	2	1
2. Amount of time you spent with the chiropractor.	5	4	3	2	1
3. Explanation of what was done for you.	5	4	3	2	1
4. The technical skills (thoroughness, carefulness, competence of the chiropractor).	5	4	3	2	1
5. The outcome of your chiropractic care, how much you were helped.	5	4	3	2	1
6. Overall quality of care and service.	5	4	3	2	1

CHAMPUS CCD Form Letter 3

(11157) Rev. 7/90

(2)

Please describe how you felt after finishing your chiropractic treatment.

/ / Better than before starting treatment.
/ / Same as before starting treatment.
/ / Worse than before starting treatment.

Would you consider using a chiropractor again?

/ / Yes
/ / No
/ / Don't Know

Comments:

Thank you for your time and assistance. Please return the completed form in the self-addressed envelope provided.

CHAMPUS

Blue Cross and Blue Shield of South Carolina
CHAMPUS Fiscal Intermediary
2000 N. Dozier Boulevard
Florence, SC 29501

Mid-Atlantic Region 1-800-476-8500
Western Region 1-800-225-4816
California 1-800-334-0308

OMB APPROVED
0704 - XXXX
EXPIRES:

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302; and to the Office of Management and Budget, Paperwork Reduction Project (0704 - XXXX), Washington, DC 20503.

Mr. John Doe
1234 Highroller Way
Lost Wages, NV 77777

Dear Mr. Doe: SSN#: 123-45-6789

During the past year, you have received medical care for a problem with your musculoskeletal system (bones, muscles, cartilage). Here are some questions about the medical care you received. In terms of your satisfaction, how would you rate each of the following? (Circle one number on each line.)

	EXCELLENT	VERY GOOD	GOOD	FAIR	POOR
1. Amount of time you waited for an appointment.	5	4	3	2	1
2. Amount of time you spent with the doctor.	5	4	3	2	1
3. Explanation of what was done for you.	5	4	3	2	1
4. The technical skills (thoroughness, carefulness, competence of the doctor).	5	4	3	2	1
5. The outcome of your medical care, how much you were helped.	5	4	3	2	1
6. Overall quality of care and service.	5	4	3	2	1

CHAMPUS OCD Form Letter 4
(11157) Rev 7/90

(2)

Please describe how you felt after receiving medical care for this condition.

___ Better than before starting treatment.
___ Same as before starting treatment.
___ Worse than before starting treatment.

Have your normal activities had to change because of this illness/injury?

___ No.

___ Yes, I have had to stop working. If yes, please tell us how long you have been out of work. _____

___ Yes, I cannot do all of the things I used to do, i.e., drive a car, wash my hair, activities of daily living.

___ Yes, I am still working, but not at my normal job. If yes, please tell us what your new occupation is now and how long you have been working in this occupation. _____

Comments:

Thank you for your time and assistance. Please return the completed form in the self-addressed envelope provided.

[FR Doc. 91-12237 Filed 5-22-91; 8:45 am]
BILLING CODE 3810-01-C

Department of the Air Force

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board's ad hoc committee on Air Force Aircraft Jet Engine Manufacturing and Production Processes will meet on 17–19 June 1991 from 8 a.m. to 5 p.m. at the ANSER Corporation, 1215 Jefferson Davis Highway, Arlington, Virginia.

The purpose of this meeting is to review the task statement and develop a roadmap for the study.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 91–12258 Filed 5–22–91; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board Technology Strategy Cross-Matrix Panel will meet on 24 June 1991 from 8 a.m. to 5 p.m. at the Pentagon, Washington, DC.

The purpose of the meeting is to gather information, deliberate findings, and draft recommendations for SAF/AQ.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 91–12259 Filed 5–22–91; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board's Ad Hoc Committee on Alternative Strategies for Software and Computer Processor Upgrades to Software Intensive Aircraft will meet on 25–26 June 1991 from 8 a.m. to 5 p.m. at ANSER Corporation, 1215 Jefferson Davis Highway, Arlington, Virginia.

The purpose of this meeting is to gather information in support of the study.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4) thereof.

For further information, contact the Scientific Advisory Board Secretariat at (703) 697–4811.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 91–12260 Filed 5–22–91; 8:45 am]

BILLING CODE 3910–01–M

USAF Scientific Advisory Board; Meeting

The USAF Scientific Advisory Board (SAB) Ad Hoc Committee on Hypersonic Technologies will meet from 8 a.m. to 5 p.m. on 19 June 1991 at Wright Lab, Wright-Patterson Air Force Base, Ohio.

The purpose of this meeting is to review the results of the Air Force Systems Command task group on hypersonic technologies.

The meeting will be closed to the public in accordance with section 552b(c) of title 5, United States Code, specifically subparagraphs (1) and (4).

For for further information, contact the SAB Secretariat at (703) 697–8404.

Patsy J. Conner,

Air Force Federal Register Liaison Officer.

[FR Doc. 91–12204 Filed 5–22–91; 8:45 am]

BILLING CODE 3910–01–M

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

National Science Scholars Program

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice of closing date for submission of fiscal year 1991 scholar nominations under the National Science Scholars Program.

SUMMARY: The Secretary of Education (Secretary) gives notice of the closing date for the State nominating committees approved by the Secretary to submit the names of nominees for National Science Scholarships to the President under the National Science Scholars Program (NSSP) authorized by title VI, part A of the Excellence in Mathematics, Science, and Engineering Education Act of 1990, Public Law 101–589, 20 U.S.C. 5381 *et seq.* (the Act). The NSSP provides scholarships to students selected by the President for undergraduate study of the physical, life, or computer sciences, mathematics, or engineering.

The Secretary will accept the names of nominees on behalf of the President from the nominating committees of States participating in the National Science Scholars Program, including the District of Columbia, Puerto Rico, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands. Each State nominating committee must submit for consideration the names and pertinent information of at least four nominees from each congressional district in the State. The Act provides that at least one half of the nominees from each congressional district must be female and all of the nominees must be ranked in order of priority within each congressional district. A State with an approved nominating committee that desires to have its nominees considered for selection as National Science Scholars must provide each nominee's name, permanent address, telephone number where the nominee may be reached during the summer, social security number if provided by the nominee, sex, congressional district, the congressional representative's or delegate's name for that congressional district, priority ranking within the congressional district, and the name and address of the institution of higher education at which the nominee has been accepted or which he or she plans to attend.

CLOSING DATE FOR TRANSMITTAL OF NSSP NOMINATIONS: A State must mail or arrange for hand-delivery of its NSSP nominations for fiscal year 1991 by July 12, 1991.

STATE NSSP NOMINATIONS DELIVERED BY MAIL: NSSP nominations that are mailed must be sent to the address below.

A State must show proof of mailing consisting of one of the following: (1) A legibly dated U.S. Postal Service postmark; (2) a legible mail receipt with the date of mailing stamped by the U.S. Postal Service; (3) a dated shipping label, invoice, or receipt from a Commercial Carrier; or (4) any other proof of mailing acceptable to the Secretary of Education.

If a State's NSSP nominations are sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing: (1) A private metered postmark; or (2) a mail receipt that is not dated by the U.S. Postal Service. A State should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, a State should check with its local post office. A State is encouraged to use registered or at least first-class mail.

Each State submitting nominations after the closing date will be notified

that its nominees cannot be considered for fiscal year 1991 funding.

ADDRESSES: Nominations that are mailed must be sent to the following address: National Science Scholars Program, United States Department of Education, Office of Student Financial Assistance, ROB–3, room 4651, 400 Maryland Avenue, SW., Washington, DC 20202–5453.

APPLICATIONS DELIVERED BY HAND: State NSSP nominations that are hand-delivered must be taken to the U.S. Department of Education, Office of Student Financial Assistance, 7th and D Streets, SW., room 4651, GSA Regional Office Building #3, Washington, D.C. 20202–5453. Hand-delivered nominations will be accepted between 8 a.m. and 4:30 p.m. daily (Washington, DC time), except Saturdays, Sundays, and Federal holidays.

State nominations that are hand-delivered will not be accepted after 4:30 p.m. on the closing date.

PROGRAM INFORMATION: Under the NSSP, the Secretary is authorized to award scholarships to outstanding students selected by the President for the study of physical, life, or computer science, mathematics, or engineering. The Secretary is authorized to award initial scholarships of up to $5,000 for the first year of undergraduate study to graduating high school students as well as continuation awards of up to $5,000 for up to four additional years of undergraduate study. The actual award amounts will depend on available appropriated funds, the number of States that elect to participate, and the prohibition against an award exceeding National Science Scholar's cost of attendance.

APPLICABLE STATUTORY AND REGULATORY PROVISIONS: The following statute and regulations are applicable to the fiscal year 1991 National Science Scholars Program:

(1) The program statute.

(2) The Notice of Final Selection Criteria published in the Federal Register on May 1, 1991, at 56 FR 20092–20094.

(3) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75 (with the exception of subparts C and D, and sections 75.580–75.592), 77, 79, 81, 82, 85, and 86.

INTERGOVERNMENTAL REVIEW: This program is subject to the requirements of Executive Order 12372 and the regulations in 34 CFR Part 79. The objective of Executive Order 12372 is to foster an intergovernmental partnership and strengthened federalism by relying on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

In accordance with the order, this document is intended to provide early notification of the Department's specific plans and actions for this program.

FOR FURTHER INFORMATION: For further information contact Mr. Fred H. Sellers, Chief, State Student Incentive Grant Section, Office of Student Financial Assistance, U.S. Department of Education, Washington, DC 20202–5447; telephone (202) 708–4607. Deaf and hearing impaired individuals may call: The Federal Dual Party Relay Service at 1–800–877–8339 (in Washington, DC 202 area code, telephone 708–9300) between 8 a.m. and 7 p.m., Eastern time.

(Authority: 20 U.S.C. 5381 *et seq.*)

(Catalog of Federal Domestic Assistance Number 84.242, National Science Scholars Program)

Dated: May 16, 1991.

Michael J. Farrell,

Acting Assistant Secretary for Postsecondary Education.

[FR Doc. 91–12230 Filed 5–22–91; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Proposed Finding of no Significant Impact; the Proposed Adoption and Implementation of a United States Policy on Receipt and Reprocessing of Spent Research Reactor Fuel (Off-Site Fuels Policy)

AGENCY: Department of Energy.

ACTION: Proposed finding of no significant impact.

SUMMARY: The Department of Energy (DOE) has prepared an environmental assessment (EA) on the proposed adoption and implementation of a policy for 10 years or 481 shipments, whichever comes first, of receiving, reprocessing and making financial settlement (monetary or credit) for U.S. origin spent research reactor fuels (for all enrichments) not owned or leased by DOE from reactors not owned or operated by DOE (DOE/EA–0443). Implementation of such a policy would involve the transport of spent research fuel of U.S. origin from reactors in North America and locations around the world to DOE's Savannah River Site (SRS), near Aiken, South Carolina, and DOE's Idaho National Engineering Laboratory (INEL), outside of Idaho Falls, Idaho, for reprocessing. Based on the analysis in the EA, the DOE believes that the proposed action is not a major Federal action significantly affecting the quality of the human environment, within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.*, and therefore, DOE proposes to issue a Finding of No Significant Impact (FONSI). The proposed FONSI and the supporting EA are being made available for public review for a period of 30 days following the date of this notice. Following completion of the public review period, DOE will make its final determination on whether to issue a FONSI or to prepare an environmental impact statement (EIS).

For further information about the proposed action or to obtain copies of the EA or to provide comments, contact: Lynne Wade, DP–143, U.S. Department of Energy, 19901 Germantown Road, Germantown, Maryland 20874, (301) 353–6628.

For further information about the NEPA process, contact: Carol Borgstrom, EH–25, Director, Office of NEPA Oversight, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–4600.

Description of the Proposed Action

The proposed action is the adoption and implementation of a policy for 10 years or 481 shipments, whichever comes first, of receiving, reprocessing and making financial settlement (monetary or credit) for U.S. origin spent research reactor fuels (for all enrichments) not owned or leased by DOE from reactors not owned or operated by DOE. Shipments would be made in accordance with International Atomic Energy Agency (IAEA) and U.S. regulations. The fuel elements would be transported in accident-resistant casks (Type B casks) that meet performance criteria of the IAEA, U.S. Nuclear Regulatory Commission (NRC), and U.S. Department of Transportation (DOT). Casks arriving in the U.S. would be transported overland from the port facility by truck to one of two DOE reprocessing facilities, SRS or INEL. At the reprocessing facility, DOE would take title to and reprocess the fuel.

This proposed action is consistent with the Atomic Energy Act, as amended, and the Nuclear Nonproliferation Act. The acceptance of U.S. origin fuel serves nonproliferation interests by removing material potentially usable for nuclear weapons from domestic and foreign research reactors.

Background

In 1968, the Atomic Energy Commission established a policy whereby it agreed to receive, reprocess

and make financial settlement for irradiated reactor fuels. A key and express condition of that Off-Site Fuels Policy was that it involved only fuel containing material produced or enriched in the United Stats (U.S. origin fuel). Over the years as the policy evolved through predecessor agencies to the U.S. DOE, it became focused principally on research reactor fuel using highly enriched uranium. However, the Off-Site Fuels Policy was subsequently amended to include low enriched uranium (LEU) fuels.

This policy covered U.S. origin fuel within the United States or abroad. DOE received and took title to this fuel at its designated facilities, but was not responsible for transporting the fuel to the site of reprocessing. The Off-Site Fuels Policy, as it related to highly enriched uranium, expired on December 31, 1988. 52 FR 49198 (1987). The policy for LEU fuels does not expire until December 31, 1992. 51 FR 7478 (1986).

There is considerable international experience in transporting spent nuclear fuel in the type of accident-resistant packaging (Type B casks) in which research reactor spent fuel is shipped. Over 365 shipments of spent foreign research reactor fuel have been received by the Department of Energy since 1978. There have been no releases or environmentally significant impacts from any of these shipments.

Risk Assessment

The EA assesses the potential environmental impacts of transportation of spent research reactor fuel on the high seas, in U.S. ports and on the highway, and from reprocessing of the fuel at the SRS and the INEL. The RADTRAN risk analysis computer code, which includes an incident free transport module and an accident module, was used to calculate the potential radiological risks associated with the transport of the spent research reactor fuel.

Transportation and Port Impacts

The total radiological risk for transport of spent research reactor fuel for the period of the proposed policy was assessed for alternative implementing cases: a base case in which 381 shipments would go from east coast ports to SRS and 100 shipments would go from west coast ports to INEL; an alternative case in which all 481 shipments would go from east coast ports to SRS; an alternative case in which all 481 shipments would go from west coast ports to INEL; an alternative case in which all 481 shipments would go from west coast ports to SRS; and an alternative case in which all 481 shipments would go from east coast ports to INEL.

As discussed in the EA, the radiological risk calculated for the base case or any of the alternative implementing cases is insignificant. If both the incident-free transport and transport involving an accident are considered, the total estimated radiological exposure over the period of the proposed policy would be equal to or less than 52 person-rem, which corresponds to a radiological risk of 0.026 latent cancer fatalities. During the period of the proposed policy, the risk from transportation of a non-radiological fatality would be equal to or less than 0.22.

A maximum annual receipt rate also was calculated to illustrate the maximum radiological impact in a single year of transport of spent research reactor fuel under the proposed policy. For this case, 96 shipments (20 percent of the total number of shipments expected during the period of the proposed policy) were assumed to be received in single year. Of these shipments, 48 shipments would go to SRS (24 from east coast ports and 24 from west coast ports) and 48 shipments would go to INEL (24 from west coast ports and 24 from east coast ports). All shipments were assumed to consist of high enriched uranium (93 percent U-235) spent fuel. When incident-free transport and transport involving an accident are combined, the total exposure from transport of 96 shipments in a single year would be 9.1 person-rem which corresponds to a radiological risk of 0.0046 latent cancer fatalities.

Reprocessing

The maximum risks at either site from reprocessing fuel received under this policy would occur if all of the spent fuel expected to be received under the proposed policy were reprocessed at either of the sites. If all the spent research reactor fuel were transported to and reprocessed at a single site, the impacts associated with reprocessing (including storage) this spent fuel, including the quantities of waste generated, would be at most 10% of the overall reprocessing impacts for SRS and at most 19% for INEL over the possible 10 year period of the proposed policy. This incremental risk would be insignificant at either site.

Total Radiological Risk

If all of the fuel were transported from west coast ports to, and reprocessed at, the SRS (an assumption which maximizes transport distances, and therefore transportation risks, for the alternative implementing case involving reprocessing at SRS), the maximum radiological dose for both transportation and reprocessing over the period of the proposed policy would be about 82 person-rem. This would correspond to a radiological risk of 0.041 latent cancer fatalities. If all of the fuel were transported from east coast ports to, and reprocessed at, INEL (an assumption which maximizes transport distances, and therefore transportation risks, for the alternative implementing case involving reprocessing at INEL), the maximum radiological dose for both transportation and reprocessing over the period of the proposed policy would be about 74 person-rem. This would correspond to a radiological risk of 0.037 latent cancer fatalities.

Alternatives

Alternatives to the proposed action considered in the EA include the No Action Alternative and renewal of the policy without reprocessing. The No Action Alternative, which is not to adopt and implement the proposed policy, would result in storage of the spent fuel at the reactor where it was irradiated or, with the approval of the U.S., in other disposition of the spent fuel (relocation/reprocessing/resale). Under the terms of the Agreement for Cooperation between the U.S. and EURATOM, spent fuel may be relocated, reprocessed or resold within EURATOM without further U.S. approval. For foreign research reactors, the impacts of continued storage of the research reactor spent fuel would occur in the foreign country in which the reactor is located. The No Action Alternative would be inconsistent with the policy objectives and concerns of the Atomic Energy Act of 1954, as amended, and the Nuclear Nonproliferation Act.

Renewal of the policy without reprocessing (i.e., shipment of the spent fuel to SRS or INEL for storage) was also considered as an alterantive. The impacts associated with reprocessing this fuel would be eliminated. However, the resultant accumulation of spent research reactor fuel in DOE operating facilities was considered unacceptable. If the spent fuel were not reprocessed, the fee for reprocessing would not be charged and financial settlement (monetary or credit) for the usable uranium would not be extended to the participants in the proposed program.

Proposed Determination

Based on the insignificant risks associated with implementation of the proposed policy as documented in the EA, DOE believes that the proposed

action does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the NEPA, and that the preparation of an environmental impact statement is not required. DOE will make its final determination on whether to issue a FONSI or to prepare an EIS following the 30-day public review period.

Issued at Washington, DC, this 16th day of May 1991.

Peter N. Brush,

Acting Assistant Secretary, Environment, Safety and Health.

[FR Doc. 91-12307 Filed 5-22-91; 8:45 am]

BILLING CODE 6450-01-M

Technical Advisory Committee on Verification of Fissile Material and Nuclear Warhead Controls

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following advisory committee meeting:

Name: Technical Advisory Committee on Verification of Fissile Material and Nuclear Warhead Controls.

Date and Time: Thursday, May 23, 1991, 8:30 a.m. to 5 p.m.—Closed; Friday, May 24, 1991, 8:30 a.m. to 5 p.m.—Closed.

Place: Lawrence Livermore National Laboratory, 7000 East Avenue, Livermore, California 94550.

Subject: Technical Report to Congress on Verification of Fissile Material and Nuclear Warhead Controls.

Contact: Victor E. Alessi, Director, Office of Arms Control, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-2102.

Purpose of Committee: The Technical Advisory Committee is to advise the President in the preparation of a Report to Congress on Verification of Fissile Material and Nuclear Warhead Controls as defined in section 3151 of the National Defense Authorization Act for Fiscal Year 1991 (Pub. L. 101-510).

Agenda

May 23, 1991

8:30 a.m. Closed Meeting at Lawrence Livermore National Laboratory
5 p.m. Adjourn

May 24, 1991

8:30 a.m. Closed Meeting at Lawrence Livermore National Laboratory
5 p.m. Meeting Ends

Waiver of 15-Day Notice: Pursuant to § 101-6.1015(b)(2), title 41, Code of Federal Regulations, Federal Advisory Committee Management, the requirement to provide 15-days notice of a meeting is waived for the following reason. Due to the fact that the Department received a Presidential delegation to prepare this report on April 10, 1991, the chartering of the Technical Advisory Committee was accomplished on May 14, 1991, and invitations to members to participate on the Committee took place subsequently, it is urgent that the Technical Advisory Committee meet at the earliest possible date in order for a report to be forwarded to Congress by the Department's scheduled date of mid-July 1991.

Public Participation: Closed Meeting.

Closed Meeting: Under section 10(d) of the Federal Advisory Committee Act, Public Law 92-463, as amended (U.S.C. App. II (1982)), these advisory committee meetings concern matters listed in 5 U.S.C. 552b(c)(1). Accordingly, both May 23 and 24, 1991, meetings will be closed to the public.

Transcripts: There will be no transcripts of the meeting for public review.

Issued at Washington, DC on May 21, 1991.

Edwin F. Inge,

Deputy Advisory Committee Management Officer.

[FR Doc. 91-12387 Filed 5-21-91; 12:20 pm]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. CP89-634-000, CP89-634-001, CP90-639-000, CP90-639-001, CP89-661-000 and CP89-661-004]

Iroquois Gas Transmission System, L.P. et al.; Intent to Prepare an Environmental Assessment for the Iroquois/Tennessee Phase II Pipeline Project and Request for Comments on its Scope

May 17, 1991.

Introduction

Phase II of the Iroquois/Tennessee Pipeline Project involves the construction of about 54.2 miles of pipeline, 22,350 horsepower (hp) of compression at 4 locations, and 4 meter stations (see tables 1 and 2 for facility locations). In this second phase of the Iroquois/Tennessee Project, Iroquois Gas Transmission System, L.P. (Iroquois), Tennessee Gas Pipeline Company (Tennessee), and Algonquin Gas Transmission Company (Algonquin) seek certificates of public convenience and necessity under section 7(c) of the Natural Gas Act to construct and operate the above-described facilities for the transportation and delivery of Canadian natural gas to various customers in New York and the New England area.

Phase II of the project would include the transportation and delivery of a total of 153,000 Mcfd (thousands of cubic feet per day) of Canadian natural gas through the Iroquois system over and above the certificated Phase I volumes. The increased volumes would come through additional pipeline and compressor expansion on the Tennessee system, expansion of the Algonquin system, and construction of a meter station along the Iroquois system. Overall, the Phase II project involves the construction of 9 pipeline loops totaling 28.7 miles, 4 segments of replacement pipeline totaling 21.9 miles, 1 new lateral 3.6 miles in length, additional compression at 2 existing compressor stations, 2 new compressor stations totalling 22,350 hp of compression, and 4 meter stations.

On June 1, 1990, a Final Environmental Impact Statement (FEIS) was issued by the Federal Energy Regulatory Commission (FERC or Commission) for the Iroquois/Tennessee Phase I Pipeline Project. That project included delivery of 442,900 Mcfd of natural gas from Canada through the Iroquois system and through expansion of the Tennessee system. On November 14, 1990, the Commission issued an order approving the Phase I project.

Notice is hereby given that the staff of the FERC will prepare an environmental assessment (EA) on the facilities proposed in the above-referenced dockets pertaining to the Iroquois/Tennessee Phase II Pipeline Project.

Proposed Facilities

The general locations of the proposed pipeline and compression facilities for the Iroquois/Tennessee Phase II Pipeline Project are identified in figure 1. Table 1 identifies the proposed pipeline loop segments and replacement pipeline facilities and their locations by state, county, and town. Table 2 identifies the proposed compression and metering facilities and their locations.[1]

Tennessee

Tennessee's proposal involves the construction of 2 pipeline loop segments in Massachusetts totalling 8.9 miles, 2 lateral loop segments totalling 4.2 miles and 3 lateral line replacements totalling 17.9 miles in Massachusetts. Tennessee has proposed to construct its mainline loops in Massachusetts using a 60-foot-wide construction right-of-way and 25 feet would be retained as permanent right-of-way and 25 feet would be on the existing pipeline right-of-way. The lateral loops in Massachusetts are proposed to be constructed using a 55-foot-wide construction right-of-way of which 30 feet would become additional permanent right-of-way. The proposal for the three replacement pipelines would require a temporary 25-foot-wide

[1] The figures and tables referred to in this notice are not being printed in the **Federal Register**, but have been included in the mailing to all those receiving this notice. Copies are also available from the Commission's Public Reference Branch, room 3104, 941 North Capitol Street, NE., Washington, DC 20426, telephone (202) 208-1371.

construction right-of-way with no additional permanent right-of-way.

Tennessee has proposed to construct compression at three locations, two existing compressor stations (CS)—CS 254 and CS 261—and a new station—CS 266A. Compression at these 3 locations, totalling 8,200 hp, was studied in the Iroquois/Tennessee Phase I FEIS but was not necessary to transport Phase I volumes. However, these compressor additions would be necessary to transport the Phase II gas volumes.

At CS 254 in Columbia County, New York, Tennessee has proposed an additional 1,000 hp that was not studied in the Phase I FEIS. A 3,500-hp Solar Centaur unit was studied in the FEIS at this location. In the Phase I FEIS, 3,300 hp of compression was studied at CS 261 in Hampden County, Massachusetts.[2] Currently, 1,200 hp of compression above what was studied in the Phase I FEIS is proposed at CS 261. An additional 800 hp of compression beyond the 1,200 hp studied in the Phase I FEIS is proposed for a new station at CS 266A (Mendon) also in Worcester County, Massachusetts. This station would require a new 3-acre site located in the town of Mendon, near the existing Mendon Meter Station, off of Thayer Road.

Tennessee's Phase II proposal also includes additional metering capacity at two meter stations. Additional metering capacity is required at the certificated meter station in Wright, New York (interconnection with Iroquois) and for an existing meter station in mendon, Massachusetts (interconnection with Algonquin). No additional land would be required for the proposed modifications at the existing meter or compressor stations.

Algonquin

Algonquin's proposal includes five pipeline loop segments in Connecticut and Massachusetts totaling 15.7 miles, a 3.6-mile-long lateral in Rhode Island, and a 4.0-mile-long replacement in Massachusetts. The following facilities proposed by Algonquin were previously certificated by the Commission: The G–8 System Replacement, the E–1 System Loop, and the Manschester Street Lateral in the Niagara Import Point Project or the ANR Phase I Project. Depending on the pipeline size involved, the presently proposed construction right-of-way widths for various loop segments range from 20 feet to 75 feet of which 10 feet to 55 feet would remain as permanent right-of-way.

Algonquin has also proposed construction of a new 13,000-hp compressor station in Chaplin, Connecticut. The proposed facility would occupy approximately 10 acres of a 25-acre site.

The compressor station would be lcoated adjacent to Algonquin's existing 75-foot-wide right-of-way approximately 2,000 feet east of the Mount Hope River. Algonquin would also construct a new meter station, requiring about a 0.5-acre site that would be located adjacent to Algoquin's right-of-way. This meter station would be located in Providence, Rhode Island.

Iroquois

Iroquois proposes to construct a meter station at the interconnection with Algonquin's system in Brookfield, Connecticut. This meter station would be located near milepost 305 of the Iroquois mainline, near the High Medow Road crossing, and would require a 0.5-acre site near the intersection of the Iroquois pipeline and the existing Algonquin system. The meter station would be located north of the existing Algonquin pipelines.

Construction Timing and Techniques

Tennessee proposes to begin construction of its facilities in May 1992, with service expected by November 1992. The work will be divided into a number of separate construction spreads, each operating as a moving assembly line with an expected progression rate of approximately 1,000 to 1,500 feet per day. A typical spread would consist of right-of-way clearing and grading, ditching, stringing, bending, welding, joint coating and lowering in of the pipe, backfilling of the trench, and cleanup of the right-of-way. Special construction techniques would be used for crossing railroads, major roadways, wetlands and streams. These will be discussed in the EA.

New pipeline segments would be hydrostatically tested prior to being placed in service. Construction through residential areas would also be undertaken using selective construction techniques to minimize the extent and duration of disruption. Pipeline installation and testing would conform to the U.S. Department of Transportation minimum Federal safety standards.

Algonquin also proposes to construct its facilities, to the extent possible, during the May through October 1992 construction season. Algonquin would employ construction methods similar to those outlined by Tennessee, except Algonquin has not yet identified any special construction techniques for residential areas. This will also be addressed in the EA.

Current Environmental Issues

The EA will address the environmental concerns that have been and will be identified by the FERC staff and intervenors, and also in comments from concerned resource agencies and individuals. The following issues have been identified for consideration in the EA:

Cultural Resources:
- —Effect of the project on properties listed or eligible for listing on the National Register of Historic Places.

Biological Resources:
- —Impact of the project on threatened and endangered species.
- —Impact on wetlands and fisheries.
- —Habitat alteration.

Land Use:
- —Impact of the factilities on residences and private land.
- —Impact of the Berkshire Loop crossing of the Appalachian Trail.
- —Right-of-way width requirements.

Alternatives:
- —Alternative pipeline routes in residential and public interest areas.
- Alternative compressor station sites.

Only specific environmental issues which have not been previously considered would be addressed for the compression proposed by Tennessee at CS 254, CS 261, and CS 266A or the following Algonquin facilities—the Manchester Street Lateral and Meter Station, the E–1 System Loop, and G–8 System Replacement—previously certificated by the Commission. The staff's previous analyses of these facilities will be incorporated by reference from the Phase I FEIS, the Niagara Import Point Project FEIS, and the Eagle Point/NEP Project (ANR Phase I) EA.

Specific Areas of Concern

Based on a preliminary analysis of the applications for new facilities and the environmental information provided by the applicants, the staff has identified several issues which will be specifically addressed in the EA. Comments are solicited on the following issues:

(1) Alternatives to the proposed Chaplin Compressor Station to avoid visual, noise or land use impacts related to this new facility; and

Mitigation, route deviations, and/or compensation in areas where the proposed replacement segments or other construction activities cross state lands

[2] Tennessee filed a Motion for Expedited Certification of Compressor Facilities on March 21, 1991 for the proposed compression at CS 261. If the Commission certifcates the compression at CS 261 no analysis of this facility would be included in the Phase II EA.

or other environmentally sensitive resources. The public lands crossed by Tennessee include Upton, Otis, and Spenser State Forest and Four Chimneys Wildlife Area. The public land crossed by Algonquin includes Diamond Hill State Park.

Comments are also solicited on any other topics of environmental concern.

Comment Procedures

A copy of this notice and request for comments on environmental issues has been sent to Federal, state and local environmental agencies, parties in this proceeding, and the public. Wherever facilities are proposed for Phase II, all counties in the project area, and all local jurisdictions which have experienced residential development adjacent to the pipelines or compressor stations, have been provided copies of detailed maps which identify the location of the proposed project in their respective areas. Comments on the scope of the EA should be filed as soon as possible but no later than June 17, 1991. All written comments must reference Docket Nos. CP90–639–001 and CP89–661–004, and be addressed to: Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426.

A copy of the comments should also be sent to: Mr. Mark Jensen, Environmental Project Manager, Federal Energy Regulatory Commission, Room 7312, 825 North Capitol Street, NE., Washington, DC 20426.

Comments recommending that the FERC staff address specific environmental issues should be supported with a detailed explanation of the need to consider such issues.

The EA will be based on the staff's independent analysis of the proposal and, together with the comments received, will constitute part of the record to be considered by the Commission in this proceeding. The EA may be offered as evidentiary material if an evidentiary hearing is held in this proceeding. In the event that an evidentiary hearing is held, anyone not previously a party to this proceeding and wishing to present evidence on environmental or other matters must first file with the Commission a motion to intervene, pursuant to rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214).

Organizations and individuals receiving this "Notice of Intent to Prepare an Environmental Assessment" have been selected to ensure public awareness of the Iroquois/Tennessee Phase II Pipeline Project and public involvement in the review process under the National Environmental Policy Act. The EA will be sent automatically to addresses on the Federal Energy Regulatory Commission's official service lists for this project, and to the appropriate Federal and state agencies. However, to reduce printing and mailing costs and related logistical problems, the EA will only be distributed to those other organizations, local agencies, and individuals who return the attached sheet, preferably within 45 days of this notice.

Additional information about the proposal, including detailed route maps for specific locations, is available from Mr. Mark Jensen, telephone (202) 208–1121.

Lois D. Cashell,

Secretary.

[FR Doc. 91–12231 Filed 5–22–91; 8:45 am]

BILLING CODE 6717–01–M

[Docket Nos. CP91–2021–000, et al.]

Questar Pipeline Co., et al.; Natural gas certification filings

May 16, 1991.

Take notice that the following filings have been made with the Commission:

1. Questar Pipeline Company

[Docket No. CP91–2021–000]

Take notice that on May 13, 1991, Questar Pipeline Company (Questar) of 79 South State Street, Salt Lake City, Utah 84111 filed in Docket No. CP91–2021–000 a request pursuant to § 157.205 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205) for authorization to construct and operate the Muddy Creek interconnect to provide intermediate transportation of natural gas from Questar's transmission system to the Kern River Gas Transmission Company (Kern River) transmission system in southwestern Wyoming. Such request was made under the blanket certificate issued by the Commission in Docket No. CP82–491–000 pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

Questar proposes to construct and operate 108,190 feet (20.49 miles) of 20-inch pipeline and compression facilities at an estimated cost of $11,675,000. Questar states that the installation of the interconnect facilities will allow it to deliver up to 110.5 MMcf per day of natural gas on a summer design day and up to 140 MMcf per day on a winter peak day to the Kern River transmission system. Questar also states that it seeks authorization to construct and operate the Muddy Creek interconnect facilities to transport natural gas to southwest and southern California markets for various Rocky Mountain shippers, including producers, pipeline companies, marketers, local distribution customers and end users.

Questar advises that it proposes to commence construction on the Muddy Creek interconnect by September 1991, with an anticipated in-service date of January 1992.

Comment date: July 1, 1991, in accordance with Standard Paragraph G at the end of this notice.

2. Trunkline Gas Company, Williams Natural Gas Company

[Docket Nos. CP91–2052–000, CP91–2053–000, CP91–2054–000, CP91–2055–000, CP91–2056–000; CP91–2059–000]

Take notice that on May 15, 1991, Trunkline Gas Company, P.O. Box 1642, Houston, Texas 77251–1642, and Williams Natural Gas Company, P.O. Box 3288, Tulsa, Oklahoma 74101, (Applicants) filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of shippers under the blanket certificates issued in Docket No. CP86–586–000 and Docket No. CP86–631–000, respectively, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[1]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicants and is summarized in the attached appendix.

Comment date: July 1, 1991, in accordance with Standard Paragraph G at the end of this notice.

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[1] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day, average day, annual Mcf	Receipt [1] points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-2052-000 (5-15-91)	Panhandle Trading Company (Marketer).	25,000 25,000 9,125,000	OLA, OTX, IL, LA, TN, TX.	KY	4-2-91, PT, Interruptible.	ST91-8382-000, 4-4-91.
CP91-2053-00 (5-15-91)	Clinton Gas Transmission, Inc. (Marketer).	50,000 50,000 18,250,000	OLA, OTX, IN, IL, LA, TN, TX.	OH	2-14-91, PT, Interruptible.	ST91-8391-000, 4-1-91.
CP91-2054-000 (5-15-91)	Panhandle Trading Company (Marketer).	25,000 25,000 9,125,000	OLA, OTX, IL, LA, TN, TX.	KY	4-2-91, PT, Interruptible.	ST91-8389-000, 4-4-91.
CP91-2055-000 (5-15-91)	North Canadian Marketing Corp. (Producer).	150,000 150,000 54,750,000	OLA, OTX, IL, LA, TN, TX.	IL	3-22-91, PT, Interruptible.	ST91-8384-000, 4-13-91.
CP91-2056-000 (5-15-91)	Panhandle Trading Company (Marketer).	25,000 25,000 9,125,000	OLA, OTX, IL, LA, TN, TX.	KY	4-2-91, PT, Interruptible.	ST91-8385-000, 4-4-91.
CP91-2059-000 (5-15-91)	Rangeline Corporation (Marketer).	250 250 91,250 [2]	CO, KS, MO, OK, TX, WY.	KS	4-3-91, FTS, Firm	ST91-8584-000, 4-3-91.

[1] Offshore Louisiana and offshore Texas are shown as OLA and OTX.
[2] WNG's quantities are in dekatherms.

3. Tennessee Gas Pipeline Company

[Docket No. CP91-1964-000]

Take notice that on May 6, 1991, Tennessee Gas Pipeline Company (Tennessee), P.O. Box 2511, Houston, Texas 77252, filed in Docket No. CP91-1964-000 an application with the Commission, pursuant to section 7(b) of the Natural Gas Act (NGA), for permission and approval to abandon a portion of its firm sales to the Piedmont Natural Gas Company, Inc. (Piedmont), Nashville Gas Division, all as more fully set forth in the application which is open to public inspection.

Tennessee states that it provides Piedmont a daily firm sale and purchase service of up to 130,000 dekatherms (Dth) of natural gas under Tennessee's FERC Rate Schedule CD-1, as authorized in Docket No. CP88-870-000, 47 FERC ¶ 62,291 (1989). Piedmont notified Tennessee on February 15, 1990, that it wished to convert 10,000 Dth per day from firm sales to firm transportation service under Tennessee's FERC Rate Schedule FT, effective November 1, 1990. Tennessee, therefore, requests herein a retroactive effective date of November 1, 1990, for its proposed abandonment of firm sales pursuant to its FERC Rate Schedule CD-1 to Piedmont. No facilities are proposed to be abandoned.

Comment date: June 6, 1991, in accordance with Standard Paragraph F at the end of this notice.

4. Natural Gas Pipeline Company of America

[Docket Nos. CP91-2034-000, CP91-2035-000, CP91-2036-000, CP91-2037-000]

Take notice that Natural Gas Pipeline Company of America, 701 East 22nd Street, Lombard, Illinois 60148 (Applicant), filed in the above-referenced dockets prior notice requests pursuant to §§ 157.205 and 284.223 of the Commission's Regulations under the Natural Gas Act for authorization to transport natural gas on behalf of various shipppers under its blanket certificate issued in Docket No. CP86-582-000, pursuant to section 7 of the Natural Gas Act, all as more fully set forth in the requests that are on file with the Commission and open to public inspection.[2]

Information applicable to each transaction, including the identity of the shipper, the type of transportation service, the appropriate transportation rate schedule, the peak day, average day and annual volumes, and the initiation service dates and related ST docket numbers of the 120-day transactions under § 284.223 of the Commission's Regulations, has been provided by Applicant and is summarized in the attached appendix.

Comment date: July 1, 1991, in accordance with Standard Paragraph G at the end of this notice.

[2] These prior notice requests are not consolidated.

Docket No. (date filed)	Shipper name (type)	Peak day average day, annual MMBtu	Receipt points	Delivery points	Contract date, rate schedule, service type	Related docket, start up date
CP91-2034-000 (5-14-91)	Western Gas Processors, Ltd. (marketer).	20,000 10,000 3,650,000	Various	Various	3-5-91, ITS, Interruptible.	ST91-8010, 3-9-91.
CP91-2035-000 (5-14-91)	Seagull Marketing Services, Inc. (marketer).	100,000 60,000 21,900,000	Various	Various	2-25-91, ITS, Interruptible.	ST91-7983, 3-5-91.
CP91-2036-000 (5-14-91)	Stellar Gas Co. (marketer).	50,000 25,000 9,125,000	Various	Various	7-13-90, ITS, Interruptible.	ST91-8318, 3-22-91.
CP91-2037-000 (5-14-91)	PSI Marketing, Inc. (marketer).	250,000 100,000 36,500,000	Various	Various	3-1-91, ITS, Interruptible.	ST91-8011, 3-6-91.

Standard Paragraphs

F. Any person desiring to be heard or make any protest with reference to said filing should on or before the comment date file with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this filing if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the applicant to appear or be represented at the hearing.

G. Any person or the Commission's staff may, within 45 days after the issuance of the instant notice by the Commission, file pursuant to rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to § 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to section 7 of the Natural Gas Act.

Lois D. Cashell,

Secretary.

[FR Doc. 91-12232 Filed 5-22-91; 8:45 am]

BILLING CODE 6717-01-M

Office of Fossil Energy

[FE Docket No. 90-113-NG]

Coenergy Ventures, Inc.; Order Granting Authorization to Export Natural Gas to Canada

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of an order granting blanket authorization to export natural gas to Canada.

SUMMARY: The Office of Fossil Energy of the Department of Energy gives notice that it has issued an order granting Coenergy Ventures, Inc., authorization to export up to 20 Bcf of natural gas to Canada over a two-year period commencing with the date of first delivery.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, May 16, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 91-12308 Filed 5-22-91; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. 90-05-NG]

Rochester Gas and Electric Corp.; Conditional Authorization to Import Natural Gas From Canada

AGENCY: Department of Energy, Office of Fossil Energy.

ACTION: Notice of issuance of conditional order granting long-term authorization to import natural gas from Canada.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice that it has issued an order conditionally authorizing Rochester Gas and Electric Corporation (RG&E), to import from Canada up to 16,000 Mcf per day of natural gas over a term of ten years commencing on the date the proposed pipeline facilities of Empire State Pipeline Company are placed in service. This gas would be used for RG&E's system supply. The order makes preliminary findings on issues that do not invovle environmental matters. The approval is conditioned on the entry of a final opinion and order after DOE independently reviews the results of an environmental assessment being prepared by the Federal Energy Regulatory Commission on the new facilities needed to transport the gas.

A copy of this order is available for inspection and copying in the Office of Fuels Programs Docket Room, room 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, May 16, 1991.

Clifford P. Tomaszewski,

Acting Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 91-12309 Filed 5-22-91; 8:45 am]

BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPP-00303; FRL-3928-4]

State FIFRA Issues Research and Evaluation Group (SFIREG); Working Committee on Groundwater Protection and Pesticide Disposal; Open Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The State FIFRA Issues Research and Evaluation Group (SFIREG) Working Committee on Groundwater Protection and Pesticide Disposal will hold a 2-day meeting, beginning on May 30, 1991, and ending on May 31, 1991. This notice announces the location and times for the meeting and sets forth tentative agenda topics. The meeting is open to the public.

DATES: The SFIREG Working Committee will meet on Thursday, May 30, 1991, from 8:30 a.m. to 5 p.m., and on Friday, May 31, 1991, beginning at 8:30 a.m. and adjourning at approximately 1 p.m.

ADDRESSES: The meeting will be held at: Holiday Inn - Crowne Plaza, 300 Army Navy Drive, Arlington, VA 22202 (703) 892-4100.

FOR FURTHER INFORMATION CONTACT: By mail: Arty Williams, Office of Pesticide Programs (H7506C), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. Office location and telephone number: rm. 1100E, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA (703) 557-7371.

SUPPLEMENTARY INFORMATION: The tentative agenda includes the following:

1. Pesticides and Ground Water Strategy Status Report.
2. State Management Plan guidance and support documents discussion.
3. Proposed Ground Water Restricted Use Rule.
4. Report of the Senior Pesticide Officials' Ground Water Course.
5. FIFRA section 6(g) policy.
6. FIFRA section 19 disposal regulations.
7. Other topics as appropriate.

Dated: May 15, 1991.

Douglas D. Campt,

Director, Office of Pesticide Programs.

[FR Doc. 91-12294 Filed 5-22-91; 8:45 am]

BILLING CODE 6560-50-F

[OPTS-400050; FRL-3802-2]

Statement of Policy and Guidance for Petitions under Section 313 of the Emergency Planning and Community Right-to-Know Act of 1986

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This document outlines EPA's policy concerning the provisions for petitions to delist individual members of the metal compound categories reportable under section 313 of the Emergency Planning and Community Right-to-Know Act of 1986. This document also provides guidance regarding the appropriate support documentation that will be necessary to allow the Agency to make decisions on such petitions.

FOR FURTHER INFORMATION CONTACT: Maria J. Doa, Petitions Coordinator, Emergency Planning and Community Right-to-Know Information Hotline, Environmental Protection Agency, Mail Stop OS-120, 401 M St., SW., Washington, DC 20460, Toll free: 800-535-0202, In Washington, DC and Alaska, 202-479-2449.

SUPPLEMENTARY INFORMATION:

I. Background

On June 1, 1988, EPA received a petition from the Dry Color Manufacturers' Association (DCMA) requesting EPA to exempt three phthalocyanine pigments C. I. Pigment Blue 15, C. I. Pigment Green 7, and C. I. Pigment Green 36 from the reporting requirements under the section 313 list of toxic chemicals category "copper compounds." This petition was the first that the Agency had received requesting that EPA differentiate between and delete individual members of a category based on the varying toxicities of each individual compound. Because of the precedent that would be set by EPA's response to this request, the Agency determined to seek public comment on the issue of breaking out individual members of categories for delisting decisions made under EPCRA.

Chemicals defined by the 16 metal compound categories are unique in that they are of concern not only because of the toxicity which may be exhibited by the intact species, but also because these compounds may dissociate or react to yield the toxic metal and metal ion. Because of the additional concerns of metal ion toxicity, the Agency believes that it is in the public's best interest to have access to information on all the species that contribute to the burden on the environment of the metal ions described by each of the metal compound categories.

The Agency has taken a conservative approach in developing a policy for reviewing petitions to delete chemicals from these categories. EPA is concerned that without careful consideration, chemicals may be deleted from the list which may be contributory to the concerns for human health and the environment. EPA wants to ensure that the public has information on all chemicals described by these categories which may reasonably be anticipated to contribute to the toxic effects described by the metals as well as the intact metal compounds.

The Agency's concern with metal compounds, which is articulated in this document, is reflected in its decisions to withdraw the proposed rule to delete barium sulfate from the EPCRA section 313 list of toxic substances and to issue a final rule to exempt the three copper phthalocyanine pigments from the EPCRA section 313 list of toxic substances. Both decisions are published elsewhere in this issue of the **Federal Register.**

II. Metal Compound Categories

Metal-containing compounds are of concern not only because of the toxicity which may be exhibited by the intact species (e.g., methyl mercury), but also because these compounds may dissociate or react to yield the toxic metal and metal ion. The toxicity of a metal-containing compound that dissociates or reacts to generate the metal ion can be expressed as a function of the toxicity induced by the intact species and the availability of the metal ion, where the degree of dissociation, bioaccumulation, and the level at which toxicity is induced by the metal ion must be considered. The level at which a metal ion induces toxicity varies depending upon the metal ion. This may be viewed, in a sense, as the toxicologic potency of the metal ion. For example, cadmium ion is considered to be more potently toxic than barium ion, because the toxicologic effects of cadmium ion are produced at very low doses while the toxicologic effects of barium ion are produced at relatively higher doses. Although the level at which a metal ion induces toxicity varies depending upon the metal ion, the effects induced by each metal ion corresponding to each section 313 metal ion category meet the criteria under section 313(d)(2).

The following list consists of metal compound categories that are currently subject to the reporting requirements under section 313.

Antimony compounds
Arsenic compounds
Barium compounds
Beryllium compounds
Cadmium compounds
Chromium compounds
Cobalt compounds
Copper compounds
Lead compounds
Manganese compounds
Mercury compounds
Nickel compounds
Selenium compounds
Silver compounds
Thallium compounds
Zinc compounds

Availability of the metal ion may be the result of biotic or abiotic processes. There are a number of factors which must be considered in determining the availability of the metal ion. These factors are listed below:

Hydrolysis at various pHs
Solubilization in the environment at various pHs
Photolysis
Aerobic transformations -- abiotic and biotic
Anaerobic transformations -- abiotic and biotic
Biological transformations, for example, change in valence or *in vivo* alkylation
Bioavailability of the ion when the compound is ingested -- solubilization in and/or absorption from the gastrointestinal tract -- solubilization in various organs
Bioavailability of the ion when the compound is inhaled -- solubilization in and/or absorption from lungs, especially taking into account the likelihood that the compound will lodge in the lungs and be converted to soluble forms by the lung's defense mechanism.
Bioaccumulation and subsequent food chain magnification.

Although the processes described above must be considered when determining metal ion availability, the data are usually very limited. The lack of data on a particular transformation process may not be important if there is

information which indicates that the metal ion is available by another route. On the other hand, lack of information on one transformation process may lead to incorrect decisions if the data on the remainder of the transformation processes indicate that the metal ion will not become available via these processes.

The metal categories, which include but are not limited to compound classes such as metal hydroxides and oxides, halides, simple and hydrated salts, organometallic compounds, and inorganic complexes loosely can be divided into three groups: (1) Those chemicals which neither dissociate or react to yield the metal ion at a level which would induce toxicity, nor induce toxic effects in their intact state; (2) those chemicals which dissociate or react to yield the metal ion at a level which can induce toxicity (the intact species may or may not be toxic); and (3) those compounds which remain intact but induce toxicity in this form.

Although, in theory, the categories can be separated into the three groups described above, there are a number of obstacles which would prevent the success of this task. The lack of information on the transformation processes to which the chemicals may be subject may preclude a correct determination of the toxicity of a chemical or group of chemicals within a category. EPA may use all available information, but because of data gaps some chemicals may inadvertently be categorized incorrectly.

"General rules" which could be used to separate the categories into "not significantly toxic" and "toxic" subcategories would have many exceptions. For many groups of chemicals these "general rules" would have to be applied for many, if not all, of the transformation processes. As a result, this exercise may not be very different from the task in which every chemical is evaluated.

The question of metal ion availability has been critical in every petition review of a metal-containing compound. Since the copper pigments petition, the Agency has received seven petitions on metal compounds subject to reporting under section 313. EPA's decision on each petition was made primarily on metal ion availability.

III. Response to Public Comment

In the proposed rule to delete the three copper pigments which was published in the **Federal Register** of May 15, 1989 (54 FR 20866), EPA requested comment on approaches for addressing the issues raised by this petition with regard to chemical categories under section 313. The options that were presented for comment are:

1. EPA would respond to petitions to delete named chemicals from a category, but would give such petitions a secondary priority to those which pertain to individually listed chemicals.
2. EPA would subcategorize the listed categories by assessing the chemical structure of the chemicals within each category.
3. EPA would attempt to evaluate independently the many thousands of chemicals within the listed categories to determine if the individual chemicals meet the toxicity criteria of section 313(d)(2).
4. EPA would consider the set of chemicals defined by each section 313 category as inseparable units for the purpose of making modifications to the list of toxic substances.

EPA has received 19 comments on the options described above.

The majority of the commenters contend that EPA's proposed approach in which the Agency would assign secondary priority to petitions for metal-containing compounds contravenes the statute. The Chemical Manufacturers' Association (CMA) states "[s]uch an approach is ... inconsistent with Congressional intent, which provides that specific listing/delisting procedures be followed." The DCMA contends "[r]ather than adopting a policy inconsistent with Congressional intent, EPA could under such circumstances approach Congress with a request for either more resources or legislative relief from the burden imposed on it." EPA agrees that imposing this type of condition on the petition process is untenable because of the statutory deadline which must be met by the Agency.

With few exceptions, the commenters argue that the approach in which EPA would consider the set of chemicals defined by each section 313 category as inseparable units for the purpose of making modifications to the list of toxic substances is scientifically insupportable and is contradictory to the statute. SCM Chemicals contends "[s]uch a policy would ignore Congress' statutory language and purpose. EPA's mandate is to act, within 180 days, on petitions for deletion of both individually-listed substances and of substances in the general category." Merck and Company, Incorporated believes that this approach is "bad science" because it ignores the fact that some members of the categories do not meet the criteria under section 313(d)(2).

EPA agrees with the commenters that some members of the metal categories may not meet the criteria under section 313(d)(2). The intact metal-containing compound may not be toxic and may not dissociate or react by any of the processes described above. Requiring facilities that manufacture, process, or otherwise use these chemicals to report may be an unnecessary burden, particularly if the release reporting does not contribute to information on the burden of the metal ion upon the environment. In light of these considerations, EPA concluded that it is reasonable to allow for the deletion of members of the categories that do not meet the toxicity criteria of section 313. EPA considered the comments on the remaining alternatives with a view to determining the appropriate approach to providing for such deletions.

The majority of the commenters prefer the approach in which EPA would divide the metal compound categories into "not significantly toxic" and "toxic" subcategories. Color Converting Industries states "[t]hese steps will enable quick, inexpensive and reasonable action by the EPA." Merck and Company, Incorporated contends that this approach would provide "for the public more precise data on releases of toxic chemicals." In contrast, Alex Chemical Company believes that this approach is not feasible because "chemical properties (and toxicity) cannot be generalized."

EPA agrees with the comments that state that this option is not viable because the categories cannot be subcategorized successfully. This is a result of the number of factors which must be taken into account in determining metal ion availability, the lack of information on availability of metal ions via some pathways, and because every general rule applied is likely to have exceptions.

In determining whether a subcategory of chemicals within a category is likely to be "not significantly toxic," EPA must first ascertain that the intact species that make up the subcategory will not meet the criteria of section 313(d)(2) and that the metal ion will not become available at a level which will induce toxicity as a result of the processes described above.

Every rule that could be applied would have exceptions. The Agency suggested in the proposed rule to delete the copper pigments that a criterion that it might consider using to divide the categories into "not significantly toxic" and "toxic" subcategories is bond type, i.e. ionic vs. covalent bonding. Ionic metal salts may be expected to readily dissociate in water to give the metal ion and the appropriate counter ion,

whereas covalently bonded metal compounds are not expected to readily dissociate in water. An exception to this rule is illustrated in EPA's review of the barium sulfate petition. Although barium sulfate is ionically bonded, it does not readily dissociate in water. Thus, barium ion, which exhibits toxic effects, is not available as might be expected via dissociation in water of barium sulfate.

Another drawback to this approach is the lack of information on the effect of the transformation processes listed above upon metal compounds. Thus, even if EPA were to carry out this task, some subcategories could be labeled as "not significantly toxic" even though this label may not be appropriate. Deleting category members for which the metal ion availability cannot be properly characterized is neither the intent of EPCRA nor in the public's best interest.

Many of the commenters agree with EPA's position that individually assessing the many thousands of chemicals within the section 313 metal compound categories would not be viable. However, the Procter and Gamble Company contends that this would be the best option because "[i]f EPA were to evaluate each chemical individually, then each chemical's presence on the 40 CFR 372.65 list would be scientifically justified." The Soap and Detergent Manufacturers also prefer this option. They suggest that EPA "announce in advance a schedule for its consideration of section 313 categories. That approach would rationalize the assessment process, allow for meaningful input from the public and the regulated community. . . ."

EPA disagrees with the Procter and Gamble Company's assertion that this option would ensure that each chemical's presence on the section 313 list would be "scientifically justified." As was discussed above, in most cases there will not be sufficient information to properly characterize the availability of the metal ion from a compound. This may result in an incorrect assessment of the availability of the metal ion from a compound and as a consequence the toxicity induced by the compound may be incorrectly assessed.

In addition, the section 313 reporting rule allows facilities to aggregate and report on the total weight of the parent metal released, rather than submitting separate reports for all the individual metal compounds (40 CFR 372.25(h)). Thus, facilities' reporting burdens may be significantly reduced. However, if EPA were to conduct an extensive analysis of each chemical within all the listed categories and delete those chemicals which failed to meet the section 313(d) criteria, EPA might then be obligated to modify the reporting requirement such that separate reports would have to be filed for each of the remaining chemicals in the category listings. An EPA decision to require such individual reporting for chemicals within a category is supported by the legislative history of section 313 (joint Explanatory Statement of The Committee of Conference at 296). This approach, which would effectively transform category listings into separate listings for each chemical within a category that meets the toxicity criteria, would increase the reporting burden for facilities and increase EPA's costs of maintaining the section 313 data base.

IV. Metal Compound Categories Petition Policy

The majority of the commenters objected to option 4 because it would preclude the deletion of individual members of the categories that do not meet the toxicity criteria of section 313. As indicated by the discussion in Unit III, however, none of the proposed options provides a completely satisfactory alternative. The option most favored by commenters, dividing the metals categories, presents potentially insurmountable technical problems and could require the Agency to act on insufficient information. On the other hand, commenters generally recognized that significant problems were presented by the other two options that would have allowed for deletion of individual chemicals.

In response to these concerns, EPA has developed a modified alternative that allows for the deletion of individual chemicals, recognizes the importance of metal ion availability, and provides EPA with sufficient information to make a decision. Accordingly, EPA will accept delisting petitions for individual members of the categories and will give these petitions the same priority as delisting petitions for other chemicals. However, the petition must meet basic criteria which relate to the availability of the metal ion from the metal compound category member and the inherent toxicity of that individual category member. Therefore, EPA has decided to grant petitions on individual members providing that the petitioner establishes and EPA concludes that the intact species does not meet the criteria of section 313(d)(2), and that the metal ion will not become available at a level that can be expected to induce toxicity.

For petitions to exempt specific metal-containing compounds from the reporting requirements under section 313, EPA has decided to base its decisions on the evaluation of all chemical and biological processes that may lead to the metal ion's availability as well as on the toxicity exhibited by the intact species. These decisions will continue to be based on information provided by the petitioner, Agency documents, and available literature. Because the effects induced by the metal ions described by the metal compounds categories meet the criteria under section 313(d)(2), the petitioner must provide competent scientific evidence that demonstrates that the metal compound does not dissociate or react to generate the toxic metal ion at a level that can be expected to induce toxicity by any of the processes described above. Since EPA believes that deleting metal compound category members for which the metal ion availability cannot be properly characterized is neither the intent of EPCRA or in the public's best interest, EPA will deny petitions for chemicals for which the metal ion availability cannot be properly characterized. In its review of petitions to delete individual metal compounds from a metal category, the Agency will consider transformation processes, including but not limited to those listed in unit II above, that may lead to the availability of the metal ion. In this document, the Agency is not specifying toxicity thresholds for each of the effects specified in section 313(d)(2) because these thresholds vary depending upon the metal ion. If the metal compound does not dissociate or react to generate the metal ion at a level which can reasonably be anticipated to cause adverse effects, EPA will determine whether the effects which may be induced by the intact species meet the toxicity criteria of section 313(d)(2).

In its previous reviews of petitions on metal compounds, EPA used a weight-of-evidence approach in determining whether the metal ion is available at a level which would induce toxicity. Although the majority of petitions on metal category compounds have been denied based on the availability of the metal ion, there have been two (barium sulfate and the three copper phthalocyanine pigments) which have been proposed to be granted because the available limited information did not indicate that the respective metal ions would become available at a level which would induce toxicity. The Agency's concern with metal ion availability as articulated in this document is reflected in its decisions to withdraw the proposed rule to delete barium sulfate from the EPCRA section 313 list of toxic substances and to issue a final rule to exempt the three copper

phthalocyanine pigments from the EPCRA section 313 list of toxic substances. Both decisions are published elsewhere in this issue of the **Federal Register**.

EPA is issuing a final rule to exempt the three copper phthalocyanine pigments from the EPCRA section 313 list of toxic substances because: (1) The copper ion cannot reasonably be anticipated to become available at a level that induces toxicity from any of these pigments; and (2) there is no indication from the available data that the (intact) copper pigments can reasonably be anticipated to cause acute, chronic, or environmental toxicity. Release reporting on the three copper pigments will not contribute information on the total environmental loading of copper, because copper ion is not expected to be available from the three copper pigments.

EPA is withdrawing the proposal to delete barium sulfate from the EPCRA section 313 list of toxic substances. This decision is based on the availability of the barium ion from barium sulfate and the potential of toxicity due to available barium ion. Limited data suggest that the barium ion can reasonably be anticipated to become available as a result of the anaerobic degradation of barium sulfate, although the extent of this degradation is unknown. In addition, one of EPA's reasons for requiring reporting on the metal compound categories is to provide the public with release information on the total environmental loading of each toxic metal. This decision is consistent with EPA's category policy because the data on the anaerobic degradation of barium sulfate indicate that barium ion, which meets the criteria under EPCRA section 313(d)(2), will be available. EPA's reviews of barium sulfate and the three copper pigments illustrate the factors that are considered important in determining metal ion availability.

EPA believes that the effects induced by the metal ions described by the metal compound categories meet the criteria under section 313(d)(2), although the level at which a metal ion induces toxicity varies depending on the metal ion. Consequently, EPA will not continue to make weight-of-evidence determinations on metal ion availability. EPA will grant a petition to delist a member of a metal compound category only if the Agency can determine with a high degree of certainty that the metal ion will not become available at a level that can reasonably be anticipated to induce adverse effects. Such availability would be the result of any of the transformation processes previously described in this document. Lack of information on a transformation process will result in a denial of a petition to delist. This will minimize the errors that may be a consequence of using limited information. Limited data and limited predictive ability may result mainly in underestimating the overall burden a metal ion may place upon the environment. An effect of this underestimation may be incorrect decisions leading to the deletion of potentially toxic chemicals from the list. EPA believes that this approach will allow the Agency to make scientifically based decisions that ensure that the intent of community right-to-know is served.

This approach will still allow for the removal of specific members from the metal categories that do not meet the criteria of section 313(d)(2) and do not contribute to the burden of the metal ion on the environment. The public's ability to assess the burden of a metal ion upon the environment will not be hindered, because the lack of metal ion availability of the compound will be well characterized before the Agency proposes to delete a chemical. For the majority of the categories the number of exceptions is not expected to be large.

V. Petition Guidance

A petitioner should provide the Agency with enough information concerning his or her petition request and as much credible scientific support documentation as can reasonably be developed to assist the Agency in reviewing the petition. EPA issued a statement of petition policy and guidance in the **Federal Register** of February 4, 1987 (52 FR 3479), to provide guidance regarding the recommended content and format for submitting petitions. The detailed information given below is similar to that provided in the previous guidance, but is more specific to metal compounds. The burden to the petitioner to develop petitions to delete individual members of the metal compound categories is expected to be the same as for petitions to delete individually listed chemicals.

A. Published Literature Citations

For information that appears in published literature sources, the petitioner should provide EPA with a citation and two copies of pertinent sections of the specific documents that the petitioner believes support the requested action. Such information sources could include one or more of the following:

1. Textbooks on inorganic or organometallic chemistry.

2. Textbooks on toxicology or other health sciences.

3. Reference books or reports relating to toxic effects of chemicals, published by government or private sources.

4. Reference books or reports relating to the environmental fate of chemicals, published by government or private sources.

5. Regulatory documents or other official public notification documents, e.g., **Federal Register** notices relating to current regulation of the chemical, or other Federal, State, or local government actions.

6. Specific scientific journal articles, preferably those articles that have undergone peer review.

7. Results of data base searches. Several comprehensive, computer-accessible data bases contain abstracts of health or environmental studies, or environmental fate or provide citations to specific journal articles or other sources. If petitioners do not have access to such computer-based search services, they may want to start by contacting their local public library. The following list contains representative data bases and certain components of those data bases that can provide information on health, environmental effects, and fate of chemical substances:

DIALOG (a privately maintained data base)
BIOSIS
EXERPTA MEDICA MEDLARS (maintained by the National Library of Medicine)
TOXLINE
CANCERLINE
HSDB Toxnet system CIS (Chemical Information System--a privately maintained data base)
ENVIROFATE
AQUIRE (Aquatic Information Retrieval)
RTECS (Registry of Toxic Effects of Chemical Substances)
GENETOX CAS-ONLINE (Chemical Abstract Service-a privately maintained data base)
REG-FILE
CA-FILE

B. Unpublished Information

The petitioner may be aware of studies or documents that could support the proposed action to which EPA would not have immediate access. In such cases of unpublished information, the petitioner should provide EPA with an actual copy of the unpublished work.

Examples of unpublished information include:

1. Company-sponsored studies.

2. University research papers and dissertations.

3. Government-sponsored reports and assessments, especially those done at the local and State level.

Dated: May 15, 1991.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

[FR Doc. 91-12295 Filed 5-22-91; 8:45 am]

BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

[DA 91-591]

Comments Invited on Arizona Public Safety Plan

May 16, 1991.

The Commission has received the public safety radio communications plan for Arizona (Region 3).

In accordance with the Commission's Report and Order in General Docket No. 87-112 implementing the Public Safety National Plan, parties may file comments on or before June 25, 1991 and reply comments on or before July 10, 1991. (See Report and Order, General Docket No. 87-112, 3 FCC Rcd 905 (1987), at paragraph 54.)

In accordance with the Commission's Memorandum Opinion and Order in General Docket No. 87-112, Region 3 consists of the State of Arizona. (See Memorandum Opinion and Order, General Docket No. 87-112, 3 FCC Rcd 2113 (1988)).

Comments should be clearly identified as submissions to PR Docket 91-143, Arizona—Region 3, and commenters should send an original and five copies to the Secretary, Federal Communications Commission, Washington, DC 20554.

Questions regarding this public notice may be directed to Betty Woolford Private Radio Bureau, (202) 632-6497 or Ray LaForge, Office of Engineering and Technology, (202) 653-8117.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 91-12193 Filed 5-22-91; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-894-DR]

California; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of California (FEMA-894-DR), dated February 11, 1991, and related determinations.

DATES: May 13, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the State of California, dated February 11, 1991, is hereby amended to include the Crisis Counseling program in the following areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 11, 1991: The counties of Alameda, Butte, Colusa, Fresno, Glenn, Imperial, Kern, Los Angeles, Medera, Marin, Mendocino, Merced, Monterey, Napa, Riverside, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Tehama, Tulare, Ventura, Yolo, and Yuba for Crisis Counseling.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 91-12281 Filed 5-22-91; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-902-DR]

Louisiana; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Louisiana (FEMA-902-DR), dated April 23, 1991, and related determinations.

DATES: May 10, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3614.

NOTICE: The notice of a major disaster for the State of Louisiana, dated April 23, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 23, 1991: The parishes of Catahoula, Claiborne Morehouse, and West Carroll for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83-516, Disaster Assistance)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 91-12282 Filed 5-22-91; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-904-DR]

Louisiana; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Louisiana (FERMA-904-DR), dated May 3, 1991, and related determinations.

DATES: May 10, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646-3614.

NOTICE: The notice of a major disaster for the State of Louisiana, dated May 3, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the castastrophe declared a major disaster by the President in his declaration of May 3, 1991: The parishes of Bienville, Caddo, Catahoula, Franklin, Grant, Natchitoches, and Webster for Individual Assistance

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Grant C. Peterson,

Associate Director, State and Local Programs and Support Federal Emergency Management Agency.

[FR Doc. 91-12283 Filed 5-22-91; 8:45 am]

BILLING CODE 6718-02-M

[FEMA-904-DR]

Louisiana; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Louisiana (FEMA-904-DR), dated May 3, 1991, and related determination.

DATES: May 12, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance

Programs, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3614.

NOTICE: The notice of a major disaster for the State of Louisiana, dated May 3, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the President in this declaration of May 3, 1991: The parishes of Assumption, Lafourche, Rapides, St. Martin, St. Mary, and Terrebonne for Individual Assistance.

Grant C. Peterson,

Associate Director,State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 91–12284 Filed 5–22–91; 8:45 am]

BILLING CODE 6718–02–M

[FEMA–905–DR]

Oklahoma; Amendment to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Oklahoma (FEMA–905–DR), dated May 8, 1991, and related determinations.

DATES: May 10, 1991.

FOR FURTHER INFORMATION CONTACT: Neva K. Elliott, Disaster Assistance Programs, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–3614.

NOTICE: The notice of a major disaster for the State of Oklahoma, dated May 8, 1991, is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 8, 1991: Garfield and Washington Counties for Individual Assistance.

(Catalog of Federal Domestic Assistance No. 83.516, Disaster Assistance)

Grant C. Peterson,

Associate Director, State and Local Programs and Support, Federal Emergency Management Agency.

[FR Doc. 91–12285 Filed 5–22–91; 8:45 am]

BILLING CODE 6718–02–M

Urban Search and Rescue Program

AGENCY: Federal Emergency Management Agency.

ACTION: Notice of solicitation for award.

DATES: May 16, 1991.

FOR FURTHER INFORMATION CONTACT: Tom Gilboy, Office of Civil Defense, Federal Emergency Management Agency, Washington, DC 20472 (202) 646–3507.

Notice of Solicitation is hereby given that funding for Urban Search and Rescue (US&R) equipment and training will be available through the Federal Emergency Management Agency (FEMA) on a limited basis to augment the existing capabilities of task forces sponsored by local jurisdictions. The intention is to strengthen US&R task forces which are already very good and bring those selected into a national network of civilian first-responder resources around the country which can be called on in the event of a major-scale disaster. Each task force selected will be sponsored by a local jurisdiction, endorsed by a State, endorsed by a FEMA region, recommended by a national panel of technical experts to the Steering Committee for US&R, and selected by FEMA at headquarters. Funds will be provided through the vehicle of the endorsing State's Comprehensive Cooperative Agreement with its respective FEMA Region, and then suballocated by the State to the sponsoring jurisdiction. Jurisdictions wishing further information on this funding should contact their respective State emergency management agency.

Proposal evaluation criteria are described below. The State and the pertinent FEMA Region will review and assess each task force's personnel qualifications and on-hand equipment against criteria contained in a solicitation package from the State emergency management agency. The personnel qualifications are to address one or several staff in the following positions: Task Force Leader, Search Team Leader, Canine Search Specialist, Technical Search Specialist, Rescue Team Manager, Rescue Squad Officer, Rescue Specialist, Medical Team Manager, Medical Specialist, Technical Team manager, Structures Specialist, Hazardous Materials Specialist, Heavy Rigging and Equipment Specialist, Technical Information Specialist, Communications Specialist, and Logistics Specialist. The equipment lists are to address the following types of materials: Rescue Equipment, Medical Equipment, Technical Equipment, Communications Equipment, and Logistics Equipment. In addition to reviewing the capabilities of task forces against the above criteria, the technical review panel at the national level will consider the geographic location of the task forces to ensure a capability broadly distributed across the country.

The following evaluation factors (numerically weighted to ensure consistent and balanced scoring) are for consideration by the US&R Technical Review Panel of technical experts convened at the national level when reviewing applications for selection and funding recommendations:

- Is the overall composition of the proposed task force deficient in any area? (Factor weight: 8)
- What percent of the required tools and equipment (by function) does the task force have? (Factor weight: 8)
- Are specialized tools and equipment required to breach, chip and cut through reinforced concrete (heavy rescue and confined space operations) available as specified in the rescue equipment list? (Factor weight: 8)
- Does the task force have the capability to adequately conduct both canine and technical search operations? (Factor weight: 4)
- Are there sufficient task force personnel available to safely conduct a two-shift operation? (Factor weight 7)
- Does the task force have the depth of qualified personnel available to support a 56-person task force (3 to 1 ratio per positon recommended)? (Factor weight: 5)
- Is there required personnel safety equipment to meet task force needs? (Factor weight: 7)
- Are there radios to provide adequate communications within the task force, and to the Department of Defense Liaison and Incident Command Post? (Factor weight: 7)
- Does the organization/task force focus on urban search and rescue operation (past history and experience with US&R)? (Factor weight: 5)
- Can the task force members meet a six-hour get-away standard and be available for a ten-day assignment? (Factor weight: 7)
- Does the task force have the required logistics support needed to be self-sufficient for three days? (Factor weight: 7)
- Are task force personnel capable of providing advance life support services? (Factor weight: 6)
- Does the task force have the required mix of physicians and paramedics? (Factor weight: 5)
- Does the task force have access to appropriate medical equipment and drugs? (Factor weight: 4)
- Do all task force personnel meet qualifications criteria, including training and field experience for each respective position? (Factor weight: 7)
- Does the task force have adequate technical specialist representation based on criteria (especially the Structures Specialists? (Factor weight: 5)

(Total of factor weights is 100.)

In addition to the application review for technical merit by the panel of national experts, FEMA Headquarters will consider the following geographic factors in final selections for funding: a balanced geographic distribution of task forces spread out throughout the Nation; seismic hazard, including the historic occurence of damaging earthquakes, as well as probable seismic activity; total population and major urban concentrations exposed to such risk; and other factors, the loss, damage, or disruption of which by a severe earthquake would have serious national impacts upon national security, such as industrial concentrations, concentrations or occurrences of natural resources, financial/economic centers and national defense facilities.

Awards of these Federal funds are intended to be on a cash-matching basis. The State and local share is to equal the Federal share dollar for dollar. The project for which the application is made is the augmentation of training and equipment needed by the applicant. The training and equipment needed is determined by comparing the existing capabilities of the applicant against the criteria stated in the solicitation materials available from the responsible State agency. The shortfall between existing capabilities and the criteria is then identified as needed. Costs are estimated on this shortfall, or on needed capabilities. The Federal share will be 50 percent, and the State and local matching share will be 50 percent. The State and local cash-match must be applicable to US&R objectives and provide direct benefit to the training and equipment augmentation project. Applicants must indicate the amount of the non-Federal cash-matching contribution on the Standard Form 424A, Budget Information—Non-Construction Programs, when submitting applications.

Grant C. Peterson,

Associate Director, State and Local Programs and Support.

[FR Doc. 91-12280 Filed 5-22-91; 8:45 am]

BILLING CODE 6718-20-M

FEDERAL HOUSING FINANCE BOARD

[No. FHFB 91-155]

Index Rates for Adjustable-Rate Mortgages

AGENCY: Federal Housing Finance Board.

ACTION: Notice of substitution of indexes for adjustable-rate mortgages.

SUMMARY: The Federal Housing Finance Board ("Finance Board") hereby gives notice of the substitution of substantially similar adjustable-rate mortgage ("ARM") index rates for certain nonstandard index rates formerly made available in its Monthly Survey of Rates and Terms on Conventional 1-Family Nonfarm Mortgage Loans ("Monthly Interest Rate Survey" or "MIRS"). The Finance Board is implementing these changes in order to improve the overall quality of MIRS by replacing statistically unreliable data with more accurate, timely, and practical information, and to reduce the reporting burden on institutions subject to the survey by no longer collecting data of limited economic or financial importance.

EFFECTIVE DATE: May 15, 1991.

FOR FURTHER INFORMATION CONTACT: Joseph A. McKenzie, Senior Financial Economist, (202) 408-2845, Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006.

SUPPLEMENTARY INFORMATION:

A. Requirements for Availability of Indexes in FIRREA

Section 402(e)(3) of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA"), Public Law No. 101-73, 103 Stat. 183 (August 9, 1989), provides that the Finance Board "shall take such action as may be necessary to assure that the indexes prepared by the * * * Federal Home Loan Bank Board * * * immediately prior to the enactment of [FIRREA] and used to calculate the interest rate on adjustable-rate mortgage instruments continue to be available." Section 402(e)(4) of FIRREA provides that "[i]f any agency can no longer make available an index," it may substitute a "substantially similar" index if it determines, after notice and opportunity for comment, that "(A) the new index is based upon data substantially similar to that of the original index; and (B) the substitution of the new index will result in an interest rate substantially similar to the rate in effect at the time the original index became unavailable."

B. Notice of Proposed Changes to MIRS

On March 8, 1991 the Finance Board published in the **Federal Register** (56 FR 9954) a Notice proposing several changes in the types of monthly information derived from MIRS that it now makes available, as follows:

(1) To substitute the data from the Federal Home Loan Mortgage Corporation's ("Freddie Mac's") Primary Mortgage Market Survey ("PMMS") as the substantially similar successor index for those ARMs using the mortgage commitment rate data from MIRS as an index;

(2) To designate MIRS's newly built homes data as the substantially similar index to succeed the combined construction/purchase loan index in MIRS;

(3) To designate the National Average Contract Mortgage Rate for the Purchase of Previously Occupied Homes by Combined Lenders as the substantially similar successor index for ARMs that use a contract rate series from the Finance Board's internal 57-J and 57-K Reports, and to designate the National Average Effective Mortgage Rate for the Purchase of Previously Occupied Homes by Combined Lenders as the substantially similar series for ARMs that use an effective rate series derived from the 57-J and 57-K Reports; and

(4) To publish the MIRS data on home loans closed for the 32 selected metropolitan statistical areas ("MSAs") on a quarterly instead of monthly basis (*i.e.*, to designate the quarterly series on metropolitan mortgage interest rates as the substantially similar successor to the monthly series).

C. Authority to Substitute Indexes

MIRS, which was prepared by the Federal Home Loan Bank Board before the enactment of FIRREA, is now being compiled by the Finance Board pursuant to the requirement of FIRREA. A small number of mortgage lenders may be using the index rates being changed to calculate the interest rates on existing ARMs. ARMs based on mortgage rate indexes now comprise only a very small proportion of total new mortgages. Most new ARMs are linked to either the yield on U.S. Treasury securities or a cost-of-funds index. Furthermore, most new ARMs that are linked to a mortgage rate use the National Average Contract Mortgage Rate for the Purchase of Previously Occupied Homes by Combined Lenders. None of the changes made by this Notice will affect this series. In short, the number of loans affected by the substitution of the new indexes is likely to be very small.

The Finance Board believes that the intent of section 402(e)(3) is to ensure that accurate, timely, and reliable data continues to be made available, and to permit the substitution of substantially similar indexes where data is not sufficiently reliable. The Finance Board therefore has the authority and discretion to modify its survey methods from time to time to ensure that the public receives quality data. The Finance Board does not believe that section 402(e)(3) is intended to require the reporting of identical data simply

because it was published in the past. The Finance Board has determined that the indexes being changed are not sufficiently reliable for statistical purposes, and need to be replaced with other more reliable and timely indexes. In addition, pursuant to section 402(e)(4), the Finance Board "can no longer make available" the indexes because they are not sufficiently statistically reliable. Accordingly, the Finance Board may substitute substantially similar indexes for the indexes being changed.

The MIRS indexes being replaced suffer from problems of statistical unreliability and untimeliness. The MIRS mortgage commitment rate data is subject to a five-week reporting lag, and duplicates the similar weekly PMMS conducted by Freddie MAC. In addition, the data on mortgage commitment rates is not useful to lenders or borrowers because MIRS does not ask to what index the ARM is linked, and the information on ARMs in MIRS is not for standardized loans as it is in the PMMS.

Combined construction/purchase loans are loans typically made to small home builders, and combine a construction and permanent loan in a single transaction. These loans comprise only about five percent of MIRS, and the data on such loans is statistically unreliable on a monthly basis because of the small sample size surveyed.

The data contained in the 57–J and 57–K Reports is statistically unreliable due to the small sample sizes involved.

Finally, the data on loans closed for the 32 selected MSAs is statistically unreliable when published on a monthly basis because of the small sample size surveyed.

D. Comments Received in Response to Notice of Proposed Changes to MIRS

In addition to publication of the proposed changes to MIRS in the **Federal Register**, the Finance Board notified all 5,700 subscribers to its monthly MIRS press release and all subscribers to the 57–J and 57–K Reports of the proposed changes. The Finance board received three comments—one from a Federally sponsored secondary mortgage market agency, one from a housing industry trade association, and one from a private mortgage-rate survey firm. No comments were received from lenders or borrowers who use any of the data in question as an ARM index, which supports the Finance Board's belief that the number of loans affected by the substitution of the new indexes is likely to be very small.

In general, one commenter was strongly supportive of the Finance Board's proposed changes to MIRS, and urged the Finance Board to continue its efforts to increase the survey sample size. The other two commenters focused their comments on the proposed change to the mortgage commitment rate survey. The comment letters are discussed in more detail below.

1. Mortgage Commitment Rate Data

One commenter suggested that substitution of data from Freddie Mac's PMMS for information now being derived from the MIRS's mortgage commitment rate survey could create the perception of a conflict of interest if Freddie Mac were to purchase loans based on that index. However, Freddie Mac generally does not purchase loans for its own portfolio, nor does it purchase seasoned adjustable-rate loans with nonstandard index rates. In addition, because the number of loans affected by the substitution of Freddie Mac's PMMS data is likely to be very small, any financial effect would be minimal.

Another commenter noted that Freddie Mac is under no legal or other obligation to publish the PMMS or similar data. However, Freddie Mac has indicated that it has no current plans to discontinue the PMMS, which has been published since 1971, and the PMMS data on fixed-rate loans is the sole measure of mortgage market conditions published by the Federal Reserve Board in its weekly summary of all interest rates (Release H15). Accordingly, it is unlikely that Freddie Mac will discontinue the series.

It was also suggested by this commenter that the Finance Board replace its mortgage commitment rate data with the National Average Contract (or Effective) Mortgage Rate for the Purchase of Previously Occupied Homes by Combined Lenders in MIRS, rather than with the PMMS data. The commenter noted that unlike MIRS, the PMMS contains no commitment rate averages by type of lender, loan-to-value ratio, metropolitan area, or effective interest rates. However, the MIRS commitment rate data shows almost no variability across loan-to-value ratio. For example, in March 1991 the commitment rate on fixed-rate loans ranged between 9.57 percent and 9.64 percent for various loan-to-value ratio classes. The Finance Board has decided not to accept this suggestion because it believes that the Freddie Mac PMMS data is more similar to the MIRS commitment rate data than is the MIRS data on loans closed.

One commenter also questioned whether the PMMS, which covers 125 lenders, should be used as a "national" ARM index, arguing that a larger sample size would be more representative of the national market and less easily affected by local or regional market forces. The commenter suggested that the Finance Board continue to make available the current mortgage commitment rate data in MIRS, and proposed that the Finance Board contract out the commitment rate survey to a private firm, such as the commenter. However, the Freddie Mac sample, though smaller than the MIRS sample, is national in scope. It also surveys large mortgage lenders that are continuously in the market. A number of institutions in the MIRS sample may not be actively soliciting new mortgage business at given points in time, and thus they may be posting unreasonably high mortgage rates. The PMMS data is thus a better measure of actual conditions in the mortgage market, even if the sample is smaller in size. In addition, these two series have shown such strong correlation in the past that keeping the commitment rate section of MIRS is not warranted.

2. Data on 32 MSAs

One commenter asked for clarification that the MIRS data on home loans closed for the 32 selected MSAs, which now will be published on a quarterly instead of monthly basis, also would be available monthly upon request. The commenter also suggested that the Finance Board increase the number of MSAs published in the quarterly reports as part of an overall effort to increase the sample size of MIRS. The Finance Board is in the process of updating MIRS, including increasing the sample size. As the sample size is increased, the Finance Board intends to expand the scope of such regional house price data made available, either by publishing it more frequently than quarterly, or publishing it for a larger number of MSAs. The Finance Board now makes monthly house price data available to state housing finance agencies in conjunction with determining the "safe-harbor" limits for mortgage revenue bond purchase programs, and will continue to do so.

E. Substitution of Substantially Similar Indexes Under Section 402(e)(4)

All of the new indexes are based upon data substantially similar to that of the original indexes. The Freddie Mac PMMS data uses similar mortgage commitment rate data but is based on standardized loans and is more timely than the MIRS mortgage commitment rate index. The MIRS newly built homes index is based on a larger sample of newly built homes.

Because of the variety of data contained in the 57–J and 57–K Reports with respect to type of loan, type of property and geographic classification, there is no perfect choice for a single successor series for the series in these Reports that are being eliminated. The National Average Contract Mortgage Rate for the Purchase of Previously Occupied Homes by Combined Lenders is based on national average rate data of a larger sample size than the similar regional average rate data contained in the Finance Board's internal 57–J and 57–K Reports. Similarly, the National Average Effective Mortgage Rate for the Purchase of Previously Occupied Homes by Combined Lenders is based on data similar to the effective rate series contained in the 57–J and 57–K Reports but from a larger sample size. Accordingly, the Finance Board has determined that these two series are the most readily available substitute series.

Finally, the MIRS data on loans closed for the 32 selected MSAs will continue to be made available, except that it will be published on a quarterly instead of monthly basis.

Because the new indexes are based on data substantially similar to the current data in MIRS, the Finance Board believes that they will result in interest rates substantially similar to the rates in effect at the time the original indexes become unavailable.

Accordingly, the Finance Board hereby designates the following indexes as substantially similar successor indexes:

(1) The fixed-rate data from Freddie Mac's PMMS is the successor index for those ARMs using MIRS fixed-rate mortgage commitment rate data as an index, and the adjustable-rate data from Freddie Mac's PMMS is the successor index for those ARMs using MIRS adjustable-rate mortgage commitment rate data as an index;

(2) The MIRS's newly built homes data is the successor index for those ARMs using MIRS combined construction/purchase loan data as an index;

(3) The National Average Contract Mortgage Rate for the Purchase of Previously Occupied Homes by Combined Lenders is the successor index for ARMs using a contract rate series from the Finance Board's internal 57–J and 57–K Reports, and the National Average Effective Mortgage Rate for the Purchase of Previously Occupied Homes by Combined Lenders is the successor index for ARMs using an effective rate series from the 57–J and 57–K Reports; and

(4) The quarterly series on metropolitan mortgage interest rates is the successor to the monthly series (*i.e.*, the MIRS data on home loans closed for the 32 selected MSAs will be published on a quarterly instead of monthly basis).

Dated: May 15, 1991.

Daniel F. Evans, Jr.,

Chairman, Federal Housing Finance Board.

[FR Doc. 91–12189 Filed 5–22–91; 8:45 am]

BILLING CODE 6725–01–M

FEDERAL MARITIME COMMISSION

Agreement(s) Filed; Port Authority of New York and New Jersey Carco, Inc.

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10220. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 224–200178–003.

Title: Port Authority of New York and New Jersey/Carco, Inc. Terminal Agreement.

Parties: Port Authority of New York and New Jersey Carco, Inc.

Synopsis: The Agreement, filed May 8, 1991, amends the basic agreement to revise the rent commencement date from October 1, 1989 to November 15, 1989.

Dated: May 17, 1991.

By Order of the Federal Maritime Commission.

Ronald D. Murphy,

Assistant Secretary.

[FR Doc. 91–12220 Filed 5–22–91; 8:45 am]

BILLING CODE 6730–01–M

State of Hawaii/Matson Navigation Co., Inc.; Agreement(s) Filed

The Federal Maritime Commission hereby gives notice that the following agreement(s) has been filed with the Commission pursuant to section 15 of the Shipping Act, 1916, and section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10220. Interested parties may submit protests or comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments and protests are found in §§ 560.602 and/or 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Any person filing a comment or protest with the Commission shall, at the same time, deliver a copy of that document to the person filing the agreement at the address shown below.

Agreement No.: 224–200518.

Title: State of Hawaii/Matson Navigation Company, Inc. Marine Terminal Agreement.

Parties: State of Hawaii (DOT), Matson Navigation Company, Inc. (Matson).

Filing Party: Mr. Edward Y. Hirata, Director of Transportation, State of Hawaii, Department of Transportation.

Synopsis: The Agreement provides for DOT to lease to Matson certain parcels and easements for the operation of a bulk sugar facility to receive from trucks, handle, convey, store and load into ocean vessels bulk raw sugar produced on the Island of Hawaii. The term of this Agreement/Lease shall expire on June 30, 2022.

Agreement No.: 224–200518–001.

Title: State of Hawaii/Matson Navigation Company, Inc./HT&T Company, Inc. Marine Terminal Agreement.

Parties: HT&T Company, Inc. (HT&T), State of Hawaii (DOT), Matson Navigation Company, Inc. (Matson).

Filing Party: Mr. Edward Y. Hirata, Director of Transportation, State of Hawaii, Department of Transportation.

Synopsis: The Agreement provides for Matson to sublease to HT&T the lease premises situated at Hilo Harbor, Hilo, Hawaii under Agreement No. 224–200518 (Harbor Lease No. H–90–9) and lease of certain machinery and equipment on Parcel 1 and Easement 1 and certain gantry cranes, crane rails and related equipment on Easement 2. HT&T, as sublessee, is given authorization to operate Matson's Hilo Bulk Sugar Facility. Rental shall be paid in accordance with the terms specified in the sublease agreement. The term of this Agreement/Lease shall expire on June 30, 2022.

By Order of the Federal Maritime Commission.

Dated: May 17, 1991.

Joseph C. Polking,

Secretary.

[FR Doc. 91-12272 Filed 5-22-91; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Don Bodard, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than June 11, 1991.

A. Federal Reserve Bank of Kansas City (Thomas M. Hoenig, Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. Don Bodard, Shawnee, Oklahoma; to acquire 100 percent of the voting shares of Americorp, Inc., Shawnee, Oklahoma, and thereby indirectly acquire American National Bank and Trust Company, Shawnee, Oklahoma.

B. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. Berkshire Hathaway, Inc., Omaha, Nebraska, and its subsidiaries; to acquire up to 22 percent of the voting shares of Wells Fargo & Company, San Francisco, California, and thereby indirectly acquire Wells Fargo Bank, National Association, San Francisco, California.

Board of Governors of the Federal Reserve System, May 17, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-12242 Filed 5-22-91; 8:45 am]

BILLING CODE 6210-01-F

Cedar Valley Bankshares, Ltd., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than June 11, 1991.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Cedar Valley Bankshares, Ltd., Charles City, Iowa; to acquire 100 percent of the voting shares of Nora Springs Investment Company, Nora Springs, Iowa, and thereby indirectly acquire First State Bank, Nora Springs, Iowa, and Riceville Investment Company, Riceville, Iowa, and thereby indirectly acquire First State Bank, Riceville, Iowa.

1. Parkway Bancorp, Inc., Harwood Heights, Illinois; to acquire 100 percent of the voting shares of Parkway Bank of Illinois, Carpentersville, Illinois.

B. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Columbus Bancorp, Inc., Columbus, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Columbia Bancorp-Delaware, Inc., Wilmington, Delaware, and thereby indirectly acquire The First State Bank, Columbus, Texas. In connection with this application, Columbia Bancorp-Delaware, Inc. has applied to become a bank holding company by acquiring 100 percent of the voting shares of The First State Bank, Columbus, Texas.

Board of Governors of the Federal Reserve System, May 17, 1991.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 91-12243 Filed 5-22-91; 8:45 am]

BILLING CODE 6210-01-F

GENERAL SERVICES ADMINISTRATION

Intent To Prepare an Environmental Impact Statement for the Construction of the Internal Revenue Service National Office Consolidation in Prince George's County, MD

Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality (40 CFR parts 1500–1508), the General Services Administration (GSA) announces its intent to prepare an Environmental Impact Statement (EIS) for the acquisition of interests in land to construct thereon a building to house the Internal Revenue Service (IRS) National Office in 1.2 million gross square foot (gsf) building, with up to 2,600 parking spaces. All sites to be analyzed must have the capacity for the development of an additional 300,000 gsf of office space and related parking, available for purchase at the option of the Government. The IRS will act as a cooperating agency during preparation of the EIS pursuant to 40 CFR 1501.6. Acquisition of land will allow the Government to construct office space for the IRS National Office to consolidate its offices, which are scattered in approximately 20 leased and four Government-owned buildings in Washington, DC and Northern Virginia.

In response to a recent GSA advertisement, the Government receives six expressions of interest from potential offerors. These responses are identified in this notice, in the interest of public information, and each must satisfy the Government's site selection criteria in order to be considered as a potential IRS site.

The EIS will consider the following alternative sites in whole or part (listed in alphabetical order):

1. Capitol Heights—This is an 11.70 acre Municipal Government-owned site located immediately south of the Capitol Heights Metrorail station on East Capitol Street.

2. First Capital Realty—This is a 73.69 acre privately owned site located south of Central Avenue between Addison Road and Rollins Avenue.

3. Meridian—This is a 121.79 acre privately owned site located south of Central Avenue between Shady Glen Drive and the Addison Road Metro station.

4. Metro View—This is a 54.40 acre privately owned site located between Harkins and Ellin Roads just northwest of the New Carrollton Metro station.

5. Prince George's Center—This is a 26.24 acre privately owned site located on East-West Highway between Belcrest, Toledo, and Adelphi Roads in Hyattsville, Maryland.

6. Riverside—This is a 134.40 acre privately owned site located in the College Park/Riverdale area between Kenilworth Avenue, Calvert Road, Baltimore Avenue, and East-West Highway.

The EIS will also consider a No Action alternative—No change in the current pattern of office space usage by the IRS National Office. Potential environmental impacts resulting from the proposed project include short-term impacts during construction, and long-term changes in traffic, socio-economic and physical conditions in the areas.

GSA will initiate the EIS process with a public scoping meeting for the purpose of determining significant issues related to the proposed construction and relocation of the IRS employees. A public scoping meeting will be held on June 13, 1991, at 7 p.m., in the auditorium of Northwestern High School, located at 7000 Adelphi Road, Hyattsville, Maryland. A short formal presentation will precede the request for public comments. GSA representatives will be available at this meeting to receive comments from the public regarding issues of concern. It is important that Federal, state and county agencies, and interested individuals and groups take this opportunity to identify environmental concerns that should be addressed during the preparation of the Draft EIS. In the interest of available time, each speaker will be asked to limit his or her oral comments to ten (10) minutes.

Agencies and the general public are invited and encouraged to provide written comment in addition to, or in lieu of, oral comments at the public meeting. To be most helpful, scoping comments should clearly describe specific issues or topics which the commentor believes the EIS should address.

All written statements and/or questions regarding the IRS Consolidation project must be mailed no later than July 15, 1991, to the address below: Ms. Sonia I. Rivera, Contracting Officer Technical Representative, room 7062, General Services Adminstration, National Capital Region, 7th & D Streets, SW., Washington, DC 20407, Phone Number (202) 708–5334.

Dated: May 14, 1991.

Linda Eastman,

Director, NCR Planning Staff—WPL.

[FR Doc. 91–12208 Filed 5–22–91; 8:45 am]

BILLING CODE 6820–23–M

[G–91–2]

Delegation of Authority to the Attorney General

Pursuant to the authority vested in me by section 3726 of title 31, United States Code, I have determined that it is cost-effective or otherwise in the public interest to delegate authority to the Attorney General to conduct a prepayment audit of transportation bills relating to the movement of Foreign and Domestic household goods, subject to the provisions of the Federal Property Management Regulations, title 41, Code of Federal Regulations, subpart 101–41, and amendments thereto. This prepayment audit will be conducted at the Federal Bureau of Prisons, Office of Finance, Office of Relocations Services, Washington, DC.

The Attorney General may redelegate this authority to any officer, official, or employee of the Federal Bureau of Prisons.

The Attorney General shall notify GSA in writing of these redelegations. This delegation is effective upon publication in the **Federal Register.**

Dated: May 6, 1991.

Richard G. Austin,

Administrator of General Services.

[FR Doc. 91–12250 Filed 5–22–91; 8:45 am]

BILLING CODE 6820–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Alcohol, Drug Abuse, and Mental Health Administration

[MH–91–15]

National Technical Assistance Center for Mental Health Consumers

INSTITUTE: National Institute of Mental Health, HHS.

ACTION: Notice of request for applications.

INTRODUCTION: The National Institute of Mental Health (NIMH) announces the availability of support for one National Technical Assistance Center for Mental Health Consumers. This grant will be made under the authority of section 520 of the Public Health Service (PHS) Act which authorizes funds for demonstrations of mental health services for individuals with severe and persistent mental disorders.

Purpose

The National Institute of Mental Health (NIMH) announces the availability of support for one National Technical Assistance Center for Mental Health Consumers. The purpose of this Center is to provide technical assistance to consumers and other interested parties on developing self-help programs and increasing the meaningful involvement of consumers in the planning and provision of mental health and community support services. The Center is focused primarily on consumers and self-help approaches, but, in recognition of the developing role of family members, and others in service delivery, system planning, and research, the Center could also extend assistance to other interested parties.

NIMH intends that a Center funded under this announcement will be planned, directed, and operated by individuals who are current or former users of mental health services and have an advisory committee with representation from the major national primary consumer organizations to review project activities. The Public Health Service (PHS) is committed to achieving the health promotion objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. This Request for Applications (RFA), National Technical Assistance Center for Mental Health Consumers, is related to the priority area of Mental Health and Mental Disorders, Services and Protection Objective 6.12. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock Number 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock Number 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone 202–783–3238).

Background

In the past several years, NIMH has expanded its support of consumer-operated programs. The Community Support Program (CSP) has funded Consumer-Operated Services Demonstration Grants to implement and evaluate a variety of self-help approaches, and State Service System Improvement Grants to enhance the involvement of consumers and family members in the public mental health system. CSP has also sponsored a series

of national conferences for consumers to discuss aspects of service delivery, including development of self-help programs.

These efforts have been reinforced by recent statutory requirements for consumer and family roles in planning community-based services, for example through the Advisory Councils mandated under Public Law 99–660. Technical assistance designed to strengthen participation in the Councils has been provided directly and through workshops and conferences on regional and national levels.

In addition, interest in studying the most effective approaches to self-help services and related issues, such as development of consumer-led service agencies and consumer-based case management, has resulted in increased research on self-help and other related programs. In the past 2 years, NIMH has funded two new Centers for Research and Knowledge Dissemination on Consumer-Led Self-Help Mental Health Services, which will conduct research as well as develop programs to assist in the application of knowledge gained through such studies.

Center Goals

The goals of the Center are:

- To continue supporting the developing role of consumers and other advocates in services planning, delivery, and research.
- To consolidate and centralize various technical assistance activities that have been undertaken on an individual basis, such as developing technical assistance resource materials, convening national consumer conferences, and organizing monthly national technical assistance conference calls.
- To provide technical assistance on the planning and operation of consumer drop-in centers and alternative programs.
- To coordinate with other centers, grantees, and potential grantees involved in research related to self-help and in efforts to ensure that useful findings are made available and interpreted, so that they can be used most effectively.

Center Activities

The Center will be responsible for implementing a coherent set of technical assistance activities directed at achieving the goals of the RFA. Convening an annual national technical assistance conference each year at a site to be determined by the Advisory Committee and monthly conference calls to consumers throughout the Nation to provide technical assistance and share relevant information are highly encouraged. Other technical assistance activities may include:

- Collaboration with research programs in self-help such as the Centers for Research and Knowledge Dissemination on Self-Help Mental Health Services at the University of Michigan and the University of California at Berkeley, California.
- Technical assistance to consumers and other interested parties on the administrative, staffing, and programmatic aspects of starting self-help programs, such as information on financing, staff selection and supervision, linking with other community agencies, evaluation approaches, and reasonable accommodations.
- Assistance, consultation, and leadership training to consumers to enhance their involvement in the Public Law 99–660 planning process and in the provision and assessment of mental health and supportive services.
- Technical assistance to grantees with NIMH Research Demonstration and Service System Improvement Projects that have self-help components.
- Preparation of readable summaries or information briefs in relevant areas such as findings of research studies on self-help, pertinent legislation or regulations, advocacy issues (e.g., medication, commitment), consumer viewpoints of mental health services and experiences in the system, and best practices in implementing and operating self-help programs.
- Support for a toll-free 800 number for consumers to call for information and telephone consultation.

Eligibility

Applications may be submitted by public or private nonprofit organizations such as universities, colleges, hospitals, units of State or local governments, and eligible agencies of the Federal Government. Women and minority investigators are encouraged to apply.

Application Procedures

Applicants should use the grant application form PHS 398 (Rev. 10/88). The number and title of this Program Announcement, MH–91–06, NIMH Center for Consumer, should be typed in item number 2 on the face page of the PHS 398 application form.

Applicants must affix the RFA label available in the 398 kit to the bottom of the face page. Failure to use this label could result in delayed processing of the application such that it may not reach the review committee in time for review. IMPORTANT—The mailing envelope (including that provided by an express carrier) must be clearly marked, "RFA MH–91–06, NIMH Center for Consumers." Applications for fiscal year 1991 funding must be received (not postmarked) by July 19, 1991.

Application kits containing the necessary forms and instructions may be obtained from business offices or offices of sponsored research at most universities, colleges, medical schools, and other major research facilities. If such a source is not available, the following office maybe contacted for the necessary application material: Grants Management Branch, National Institute of Mental Health, 5600 Fishers Lane, room 7C–15, Rockville, Maryalnd 20857, (301) 443–4414.

The signed original five (5) permanent legible copies of the completed application should be sent to: Division of Research Grants, NIH, Westwood Building, room 240, 5333 Westbard Avenue, Bethesda, Maryland 20892.*

*If an overnight carrier or Express Mail is used, the Zip Code is 20816.

To facilitate the timely review of your application, it is also requested that one additional copy of the application be sent directly to: Ms. Edna M. Hardy-Hill, Division of Extramural Activities, National Institute of Mental Health, 5600 Fishers Lane, room 9C–15, Rockville, Maryland 20857.

The mailing envelope (including that provided by an express carrier) must be clearly marked, "RFA MH–91–15, NIMH Center for Consumers."

Application Characteristics

Applications must be complete and contain all information needed for initial and National Mental Health Advisory Council review. No subsequent addenda will be accepted unless specifically requested by the Scientific Review Administrator of the review committee. The application should be written in a manner that is self-explanatory to objective, outside reviewers who may not be familiar with prior related activities of the applicant. The applications Section 2, A–D, is limited to 20 pages singled-spaced and must contain the necessary information for reviewers to understand the project. Appendices may be attached but must *not* be used to merely extend the narrative; extensive appendices are discouraged.

To ensure that sufficient information is included for technical merit review, the applications Section 2, A–D, should include the following information:

A. Specific Aims

Discussion of the overall goals and objectives of the Center.

B. Background and Significance

• Review of the Literature and existing knowledge.

• Description of issues, barriers, information gaps, and technical assistance needs nationally in the area of consumer self-help and empowerment, the integration of consumers into the Public Law 99–660 plannign process, and the involvement of consumers in the provision of mental health services.

C. Relevant Activities

Information on relveant research, dissemination, or technical assistance activities that the applicant has been or currently is involved in that are pertinent to the activities of the proposed Center and can establish the experience and competence of the director and key staff.

D. Approach

• Discussion of how the Center will be planned, and operated by primary mental health consumers.

• Plan for forming a representative advisory committee to review the Center's activities.

• The principal areas of technical assistance that the Center will focus on.

• The technical assistance approaches that the Center will use, including a discussion of the specific mechanisms, target audience(s), staffing, and potential impact.

• Discussion of how the Center will relate to research programs on self-help.

Client Safeguards and Protection of Confidentiality

The applicant must satisfactorily address issues regarding protecting of confidentiality of the client. If the Center will be collecting identifiable information about individual clients or project staff for project evaluation purposes, assurance for protecting client and staff confidentiality and anonymity must be included.

Terms and Conditions of Support

Applicants must include the following agreement in their applications: "(Applicant) agrees that not more than 10 percent of any resultant grant award will be expended for administrative purpose."

Applicants may request a maximum of 3 years of support to cover both direct and indirect costs. It is expected that costs for the first year, while the Center is being established, will not exceed $275,000 in direct costs. Depending on the activities to be conducted by the Center, increased direct costs for subsequent years may be requested but should not exceed $350,000 per year. Annual awards will be made, subject to continued availability of funds and progress acheived.

Funds may be requested for core support of the Center, individual technical assistance projects, monthly technical assistance conference calls and dissemination of information, annual technical asssitance conferences, and direct provision or brokering of technical assistance and consultation to primary consumer groups.

The grant must be administered in accordance with the PHS Grants Policy Statement (Rev. October 1, 1990), which should be available from an office of sponsored research. Federal regulations, 45 CFR parts 74 and 92 and 42 CFR part 52, were applicable to this award.

Review Procedures

Applications received under this announcement will be assigned to an Initial Review Group (IRG) in accordance with established PHS Referral Guidelines. The IRGs, consisting primarily of non-Federal scientific and technical experts, will review the applications based on the criteria below. Notification of the review recommendations will be sent to the applicant after the initial review. Applications will receive a second-level review by the National Mental Health Advisory Council whose review will be based on policy considerations as well as merit. Only applications recommended for approval by the Council may be considered for funding.

The intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR part 100, are applicable to this program. E.O. 12372 sets up a system for State and local government review of proposed Federal assistance applications. Applicants (other than federally-recognized Indian tribal governments) should contact the State Single Point of Contact (SPOC) as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application kit. The SPOC should send any State process recommendations to: Neal Brown, Chief, Community Support Section, System Development and Community Support Branch, Division of Applied And Services Research, National Institute of Mental Health, 5600 Fishers Lane, 11C–22, Rockville, Maryland 20857, (301) 443–3653.

The due date for State process recommendations is 60 days after the deadline date for receipt of applications. NIMH does not guarantee to accommodate or explain for State process recommendations that are received after the 60-day cut-off date

Review Criteria

Criteria for technical merit include:

• Evidence of indepth knowledge of the literature and current practice in self-help programs.

• Clear description of the issues, barriers, information gaps, and technical assistance needs nationally in the area of consumer self-helf and empowerment and the integration of consumers in the planning and provision of mental health services.

• Understanding of the potential role of consumers in Public Law 99–660.

• Relevance of the overall goals, and activities of the Center to the goals of the RFA and national technical assistance needs.

• Evidence that the Center will be planned, directed, and operated by primary mental health consumers and establish a representative Advisory Committee.

• Quality and feasibility of the technical assistance plan and specific approaches to be used.

• Clear evidence that the Center has the capacity to interpret and disseminate research findings.

• Adequacy of the facilities, general environment, and core resources for the development and implementation of a National Technical Assistance Center.

• Capability and experience of the project director, consultants, and other key staff proposed for the Center in providing and organizing technical assistance for primary consumers and other relevant target groups in the areas of consumer self-help, organizing, empowerment, involvement in services planning and assessment, and employment in the formal system.

• Appropriateness of budget estimates for the proposed technical assistance activites.

Receipt and Review Schedule

Receipt of applications	Initial review	Council review	Earliest start date
July 18, 1991.	August 1991.	Sept. 1991...	Sept. 1991.

Applications received after the above receipt date will not be reviewed and will be returned to the applicant.

Award Criteria

Applications recommended for approval by the Advisory Council will

be considered for funding on the basis of overall technical merit as determined by peer review, program needs and balance, and availability of funds.

For Further Information

For information on technical and programmatic issues, please contact: Neal Brown or Jacqueline Parrish, Community Support Section, System Development and Community Support Branch, Division of Applied and Services Research, National Institute of Mental Health, 5600 Fishers Lane, room 11C–22, Rockville, Maryland 20857, (301) 443–3653.

For information on business management issues, please contact: Stephen J. Hudak, Grants Management Branch, National Institute of Mental Health, 5600 Fishers Lane, Room 7C–23, Rockville, Maryland 20857, (301) 443–4456.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[W0220–4320–12–241A]

Information Collection Submitted to the Office of Management and Budget for Review Under the Paperwork Reduction Act

The proposal for the collection of information listed below has been submitted to the Office of Management and Budget for approval under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35). Copies of the proposed collection of information and related forms may be obtained by contacting the Bureau's Clearance Officer at the phone number listed below. Comments and suggestions on the proposal should be made directly to the Bureau's Clearance Officer and to the Office of Management and Budget, Paperwork Reduction Project (1004–0019), Washington, DC 20503, telephone (202) 395–7340.

Title: Range Improvement Permit, 43 CFR 4120.3–3.

OMB Approval Number: 1004–0019.

Abstract: This form is used by permittees authorized to graze livestock on the public lands to apply for BLM approval to construct or maintain range improvements on the public lands.

Bureau Form Number: 4120–7.

Frequency: On occasion.

Description of Respondents: Applicants requesting permission to construct range improvements on public lands.

Annual Responses: 60.

Annual Burden Hours: 20.

BLM Clearance Officer (Alternate): Gerri Jenkins, (202) 653–8853.

April 22, 1991.

John S. Boyles,

Acting Assistant Director, Land and Renewable Resources.

[FR Doc. 91–12261 Filed 5–22–91; 8:45 am]

BILLING CODE 4310–84–M

[AK–964–4230–15; F–14851–B]

Alaska Native Claims Selection

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that a decision to issue conveyance under the provisions of section 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), will be issued to NANA Regional Corporation, Inc., for approximately 70 acres. The lands involved are in the vicinity of Deering, Alaska, within T. 6 N., R. 18 W., Kateel River Meridian, Alaska.

A notice of the decision will be published once a week, for four (4) consecutive weeks, in the Tundra Times. Copies of the decision may be obtained by contacting the Alaska State Office of the Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513–7599 ((907) 271–5960).

Any party claiming a property interest which is adversely affected by the decision, an agency of the Federal government or regional corporation, shall have until June 24, 1991 to file an appeal. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management at the address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements of 43 CFR part 4, subpart E, shall be deemed to have waived their rights.

Carolyn A. Bailey,

Lead Land Law Examiner, Branch of Doyon/Northwest Adjudication.

[FR Doc. 91–12262 Filed 5–22–91; 8:45 am]

BILLING CODE 4310–JA–M

[WY–060–91–4320–12]

Casper District Advisory Council; Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of meeting of the Casper District Advisory Council.

SUMMARY: The Casper District Advisory council will meet June 27 and June 28, 1991 at the Casper District Office, 1701 East "E" Street, Casper, Wyoming. On June 27, the council will depart the district office at 8:30 a.m. for a tour of a Back Country Byway, a recreation site, and of the Coffman Ranch. The council will reconvene June 28, 1991 at the Casper District office at 8 a.m. for a regular business session.

The agenda items for the June 28, 1991 business session are as follows: (1) Election of officers; (2) status of land and water conservation funds for acquisition of the Coffman Ranch; (3) Buffalo and Newcastle resource area management plans; (4) coal leasing activity in Powder River Basin; (5) predator control on public lands; and (6) animal damage control update.

FOR FURTHER INFORMATION CONTACT: Kate DuPont, Public Affairs Specialist, 307–261–7600, Casper District.

Dated: May 14, 1991.

Don Rhea,

Acting District Manager.

[FR Doc. 91–12263 Filed 5–20–91; 8:45 am]

BILLING CODE 4310–22–M

[OR–013–01–4410–13; GP1–229]

Lakeview District Multiple Use Advisory Council and Grazing Advisory Board Tour

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of a joint tour by the Lakeview District Multiple Use Advisory Council and Grazing Advisory Board.

SUMMARY: The Lakeview District Multiple Use Advisory Council and Grazing Advisory Board will meet for a tour at 9:30 a.m. on Tuesday, June 11, 1991 at the Fire Hall in Silver Lake, OR. The tour will focus on the Lakeview Resource Area's range and riparian programs. The Advisory Council will meet again Wednesday, June 12 at 8 a.m. at the Christmas Valley Lodge to discuss the Council's future involvement in the District's range and riparian programs.

The public is invited to attend the tour and/or the meeting but must contact the Lakeview District Office by Tuesday, June 4 so final arrangements for food and transportation can be made.

FOR FURTHER INFORMATION CONTACT: Renee Snyder, Public Affairs Officer,

1000 South Ninth Street, Lakeview, OR 97630, (503) 947–6110.

Terry H. Sodorff,

Acting District Manager.

[FR Doc. 91–12264 Filed 5–22–91; 8:45 am]

BILLING CODE 4310–33–M

Advisory Council Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Meeting, Ukiah, Caliofirnia, District Advisory Council.

SUMMARY: Pursuant to Public Law 94–579 and 43 CFR part 1780, the Ukiah District Advisory Council will meet in Yreka, California, June 26–27, 1991. Agenda items will include a tour of public lands in Siskiyou County, analysis of public comments on the Draft Redding Resource Management Plan, analysis of public comments on the Draft South Fork Eel Wild & Scenic River Managmeent Plan, and miscellaneous items of interest. A complete agenda is available from the Ukiah BLM Office.

DATES: June 26, 10 a.m. to 5 p.m., and June 27, 8 a.m. to 5 p.m.

ADDRESSES: June 26, Field Tour, BLM public lands in Siskiyou County. June 27, Best Western Miner's Inn, 122 East Miner Street, Yreka..

FOR FURTHER INFORMATION CONTACT: Barbara Taglio, Ukiah District Office, Bureau of Land Management, 555 Leslie Street, Ukiah, California 95482, (707) 462–3873.

SUPPLEMENTARY INFORMATION: All meetings of the Ukiah District Advisory Council are open to the public. Individual may submit oral or written comments for the Council's consideration. Opportunity for oral comments will be provided at 10:30 a.m., Thursday, June 27. Summary minutes of the meeting will be maintained by the Ukiah District Office and will be available for inspection and reproduction within 30 days of the meeting.

Dated: May 1, 1991.

Alfred W. Wright,

District Manager.

[FR Doc. 91–12265 Filed 5–22–91; 8:45 am]

BILLING CODE 4310–40–M

[ES–970–01–4111–11–257D; MIES 34888]

(Michigan): Proposed Reinstatement of Terminated Oil and Gas Lease

Under the provisions of Public Law 97–451, a petititon for reinstatement of oil and gas lease MIES 34888, Wexford County, Michigan, was timely filed by Wilfred Plomis (Lessee) and was accompanied by all required rentals and royalties accruing from June 1, 1990, the date of termination.

No valid lease has been issued affecting the lands. The lessee has agreed to new release terms for rentals and royalties at rates of $5 per acre and 16–2/3 percent, respectively. Payment of a $500 administrative fee has been made.

Having met all the requirements for reinstatement of the lease as set out in section 31(d) and (e) of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 188(d) and (e)), the Bureau of Land Management is proposing to reinstate the lease effective June 1, 1990 subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above, and the reimbursement for cost of publication of this notice.

FOR FURTHER INFORMATION CONTACT: Ms. Tasha Berry at (703) 461–1466 or Ms. Patricia Ledwell at (703) 461–1464.

Dated: May 17, 1991.

Robert J. Bainbridge,

State Director.

[FR Doc. 91–12266 Filed 5–22–91; 8:45 am]

BILLING CODE 4310–GJ–M

[ES–030–1–4212–18]

Realty Action; Sale of Public Land in Norman County Minnesota

AGENCY: U.S. Department of the Interior, Bureau of Land Management.

ACTION: Realty action noncompetitive sale.

SUMMARY: The following land has been found suitable for direct sale under section 205 of the Minnesota Public Lands Improvement Act of 1990 (104 Stat. 1019) at the estimated fair market value, less equities presented by the applicant. The land will not be offered for sale until at least 60 days after the date of this notice.

Fifth Principal Meridian,

T.145N., R.49W.

Sec. 2, Lot #1.

Containing approximately 4.98 areas.

The land described is hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action or 270 days from the date of publication of this notice, whichever occurs first.

This land is being offered by direct sale to Kenneth and Jacqueline Lougheed. It has been determined that the subject parcel contains no known mineral values; therefore, mineral interest may be conveyed simultaneously. Acceptance of the direct sale offer will qualify the purchaser to make application for conveyance of those mineral interest under section 209 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713).

The patent, when issued, will contain certain reservations to the United States. Detailed information concerning these reservations as well as specific conditions of the sale are available for review at the Milwaukee District Office, Bureau of Land Management, 310 West Wisconsin Avenue, suite 225, Milwaukee, Wisconsin 53203.

DATES: On or before July 8, 1991, interested parties may submit comments to the District Manager, Milwaukee District, at the above address. In the absence of timely objections, this proposal shall become the final determination of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Detailed information concerning this sale is available at the Milwaukee District Office, Bureau of Land Management, 310 West Wisconsin Avenue, suite 225, Milwaukee, Wisconsin 53203 or by calling Larry Johnson at 414–297–4413.

Gary D. Bauer,

District Manager.

[FR Doc. 91–12268 Filed 5–22–91; 8:45 am]

BILLING CODE 4310–GJ–M

[UT–040–01–4212–13)]

Cedar City District Office; Reality Action; Exchange of Surface Interests in Public and Private Lands Garfield County, Utah UTU–63293

AGENCY: Department of the Interior, Bureau of Land Management.

ACTION: The surface estate of the following described public land has been determined suitable for disposal by exchange under sections 205 and 206 of the Federal Land Policy and Management Act of 1976, (43 U.S.C. 1716):

Salt Lake Meridian

T. 35 S., R. 4 E.,

Sec. 12, Lots 14 and 16 (containing 3.83 acres).

In exchange for these lands, the United States will acquire a hiking trail easement in the following described parcels, all in Salt Lake Meridian, T. 35 S., R. 4 E.

Parcel 1

A parcel of land lying in Section 12, Southwest Quarter of the Southeast Quarter (SW4SE4), the said parcel being all that portion of said property contained within a strip of land 12 feet in width, being 6 feet on each side of the following described traverse line.

Beginning at a point 36.89 feet north and 418.69 feet east of the Center-South 1/16 corner of Section 12, and running thence S. 31°03'14" E., a distance of 251.40 feet; thence S. 17°10'54" E., a distance of 326.54 feet; thence S. 14°02'27" E., a distance of 337.09 feet; thence S. 2°04'12" E., a distance of 434.33 feet to the point of ending. Said point of ending lies 60.04 feet south and 667.60 feet east of the quarter corner common to Sections 12 and 13.

The parcel of land to which the above description applies contains .34 acre, more or less.

Parcel 2

A parcel of land lying in Section 13, the North Half of the Northeast Quarter (N2NE4), the said parcel being all that portion of said property contained within a strip of land 12 feet in width, being 6 feet on each side of the following described traverse line.

Beginning at a point 39.90 feet north and 663.99 feet east of the quarter corner common to Sections 12 and 13; and running thence S. 2°04'12" E., a distance of 211.17 feet; thence S. 8°04'48" W., a distance of 128.32 feet; thence S 3°40'04" E., a distance of 325.72 feet; thence S. 29°24'42" E., a distance of 285.49 feet; thence S. 39°33'08" E., a distance of 75.55 feet; thence S. 79°16'53" E., a distance of 161.30 feet; thence N. 70°51'05" E., a distance of 432.41 feet; thence N. 82°38'10" E., a distance of 70.83 feet; thence N. 73°51'50" E., a distance of 357.99 feet; thence S. 52°52'26" E., a distance of 696.79 feet; thence S 38°54'26" E., a distance of 318.25 feet to the point of ending. Said point of ending lies 14.00 feet South and 30.50 feet East of the South 1/16 corner common to Township 35 South, Range 4 East, Section 13, and Township 35 South, Range 5 East, Section 18.

The parcel of land to which the above description applies contains .82 acre, more or less.

Parcel 3

A parcel of land lying in Section 13, the Northwest Quarter of the Northeast Quarter (NW4NE4), the said parcel being all that portion of said property contained within a strip of land 12 feet in width, being 6 feet on each side of the following described traverse line.

Beginning at the point that lies 930.19 feet south and 862.73 feet east of the quarter corner common to Sections 12 and 13; and running thence S. 80°12'07" W., a distance of 278.89 feet; thence N. 62°14'35" W., a distance of 402.55 feet; thence S. 54°24'06" W., a distance of 313.50 feet to the point of ending. Said point of ending lies 972.66 feet South and 23.23 feet West of the quarter corner common to Sections 12 and 13.

The parcel of land to which the above description applies contains .26 acre, more or less.

SUMMARY: The purpose of this action is to acquire by exchange, an interest in nonfederal lands (an easement), valuable for federal natural resource programs. The easement will provide legal public access across private land adjacent to a wilderness study area and will provide hiking access to these public lands. The public interest will be served by making the exchange.

DATES: Interested parties may submit comments on or before July 8, 1991.

ADDRESSES: Detailed information concerning this exchange and copies of the environmental assessment report are available at the Cedar City District Office, 176 East D.L. Sargent Drive, Cedar City, Utah 84720 or the Escalante Resource Area Office, Escalante, Utah 84726. Comments on the proposal should be sent to the Resource Area Office.

SUPPLEMENTARY INFORMATION: The terms and conditions applicable to the land to be transferred from the United States are as follows:

1. There is reserved to the United States a right-of-way for ditches or canals constructed by the authority of the United States, Act of August 30, 1890, 26 Stat 391, (43 U.S.C. 945).

2. The exchange will be for the surface estate only with all mineral rights in the public lands being retained by the United States.

3. Title transfer will be subject to valid existing rights including a powerline right-of-way (U-58155), a road right-of-way (U54533), and a water pipeline right-of-way (U52885).

4. Pursuant to the authority contained in Executive Order 11988 and 11990 and in section 206 of the Federal Land Policy and Management Act of October 21, 1976, the patent will be subject to a restriction which constitutes a covenant running with the land that it may be used only for agricultural or recreational development, but not for residential or commercial development.

The public lands described are hereby segregated from all forms of appropriation under the public land laws, including the mining laws, pending disposition of this action.

Any objections received during the comment period will be reviewed and the State Director may sustain, vacate, or modify this realty action. In the absence of any objections, this Realty Action Notice will become the final determination of the Department of the Interior.

Dated: May 14, 1991.

Gordon R. Staker,

District Manager.

[FR Doc. 91-12247 Filed 5-22-91; 8:45 am]

BILLING CODE 4310-DQ-M

[WY-930-4212-13; WYW 89647]

Notice of Conveyance; Wyoming

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of exchange of public land in Park County for private land in Park County.

SUMMARY: This notice advises the public of completion of an exchange of Federal surface estate for private surface estate between the United States, Bureau of Land Management, and the Webster Ranch Co., under the authority of section 206 of the Federal Land Policy and Management Act of 1976, as amended, 43 U.S.C. 1716.

EFFECTIVE DATE: May 9, 1991.

FOR FURTHER INFORMATION CONTACT: Tamara Gertsch, Bureau of Land Management, Wyoming State Office, P.O. Box 1828, 2515 Warren Avenue, Cheyenne, Wyoming 82001, 307-775-6115.

SUPPLEMENTARY INFORMATION: The Federal surface of the following described land has been conveyed to the Webster Ranch Co., of Meeteetse, Wyoming:

Sixth Principal Meridian, Wyoming

T. 49 N., R. 99 W.,
- sec. 26, SE¼SW¼ and SW¼SE¼;
- sec. 28, S½NW¼;
- sec. 34, S½NE¼ and SE¼NW¼;
- sec. 35, lots 4, 5, and 8, and W½SE¼;
- sec. 36, lots 1, 2, 3, 4, 9, 18, and 19.

T. 50 N., R. 100 W.,
- sec. 25, lots 1 and 4, NW¼NE¼ and N½NW¼;
- sec. 26, S½NE¼;
- sec. 35, lot 1, NE¼NW¼, and SW¼SW¼;
- sec. 36, lots 2 and 6.

T. 50 N., R. 101 W.,
- sec. 16, lot 6 and SE¼SE¼;
- sec. 21, lots 1 and 2;
- sec. 29, lots 1, 2, 3, and 4;
- sec. 30, lot 3, NE¼NW¼, and NE¼SW¼;
- Lots 38A, 38B, 38C, 38D, 38E, 38F, 38G, and 38H.

The land described contains 1,600.00 acres.

1. In exchange for the Federal surface estate described above, the United States acquired the following described surface estate:

Sixth Principal Meridian, Wyoming

T. 48 N., R. 98 W.,
sec. 5, NE¼SW¼.
T. 49 N., R. 98 W.,
sec. 25, N½NW¼ and SW¼NW¼;
sec. 26, S½NE¼, SE¼NW¼, and SW¼;
sec. 27, lot 3, S½NW¼ and S½;
sec. 28, S½NE¼ and S½;
sec. 33, NW¼;
Tract 37, lots 3, 4, and 5

The land described contains 1,517.43 acres.

2. The fair market value of the private land conveyed to the United States is $70,000.00. The fair market value of the Federal land conveyed to Webster Ranch Co., is $71,500.00. The Webster Ranch Co. submitted a cash equalization payment to the United States in the amount of $1,500.00, in order to equalize cash values.

3. At 9 a.m. on June 28, 1991, the above described lands will be open to operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 9 a.m., on June 28, 1991, will be considered as simultaneously filed at that time. Those received thereafter will be considered in the order of filing.

Dated: May 14, 1991.

Melvin L. Schlagel,

Acting Chief, Branch of Land Resources.

[FR Doc. 91-12269 Filed 5-22-91; 8:45 am]

BILLING CODE 4310-22-M

[G-010-4333-11/G1-0110]

Albuquerque District, New Mexico; Noncommercial Boating Permit Requirement on Rio Chama Wild and Scenic River

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of noncommercial boating permit requirement for upper section of Rio Chama Wild and Scenic River.

SUMMARY: The Bureau of Land Management is announcing that a permit for noncommercial boating is required for the upper section of the Rio Chama Wild and Scenic River that flows through public lands within the Taos Resource Area and forest lands within the Santa Fe National Forest. This determination was made as part of the Rio Chama Management Plan released October, 1990.

Permits and launch reservations are required during the use season, which covers the period from April 15 through September 15 of this year and each year following. To obtain a permit, an application must be mailed to the Bureau of Land Management Office listed below or applied for in person during office hours at the same Bureau Office. Applicants must apply during the preseason application period of February 1 to March 15 of each year. A non-refundable application fee will be applied to each application for a permit. Permits will be issued to applicants upon assignment. A user fee will be assessed for each trip.

ADDRESSES: Information and permit application may be obtained by contacting the Bureau of Land Management, Taos Resource Area, 224 Cruz Alta Road, Taos, New Mexico 87571.

FOR FURTHER INFORMATION CONTACT: Penny Gonzalez, Permit Specialist, Bureau of Land Management, Taos Resource Area, 224 Cruz Alta Road, Taos, New Mexico 87571; telephone (505) 758-8851.

SUPPLEMENTARY INFORMATION: Permits are required under authority of 43 CFR subpart 8372 for public lands and related waters and 36 CFR subpart 261.50 for forest lands and related waters. Persons who fail to obtain a permit or comply with the permit terms or stipulations are subject to a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months.

Dated: May 13, 1991.

Steve Henke,

Acting Associate District Manager.

[FR Doc. 91-12267 Filed 5-22-91; 8:45 am]

BILLING CODE 4310-FB-M

[ID-943-4214-10; IDI-28376]

Proposed Withdrawal and Opportunity for Public Meeting; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The United States Department of Agriculture, Forest Service, has filed an application to withdraw 3,285.87 acres of National Forest System lands for protection of the Howell Canyon Recreation Complex. This notice closes the land up to 2 years from location and entry under the United States Mining Laws. The land will remain open to all uses, other than the mining laws.

DATES: Comments and requests for meeting should be received on or before August 21, 1991.

ADDRESSES: Comments and meeting requests should be sent to the Idaho State Director, BLM, 3380 Americana Terrace, Boise, Idaho 83706.

FOR FURTHER INFORMATION CONTACT: Larry Lievsay, BLM, Idaho State Office, 3380 Americana Terrace, Boise, ID 83706, (208) 384-3166.

SUPPLEMENTARY INFORMATION: On May 1, 1991, the United States Department of Agriculture, filed an application to withdraw the following described National Forest System lands from location and entry under the United States mining laws, subject to valid existing rights:

Boise Meridian

T. 12 S., R. 24 E.
Sec. 36, SW¼NW¼, W½SW¼ and S½SE¼.
T. 12 S., R. 25 E.
Sec. 31, lot 4, NE¼NE¼, SW¼NE¼, W½SE¼NE¼, SE¼SW½ and SE¼;
Sec. 32, S½SE¼SW¼NW¼, SE¼NW¼ and N½SW¼.
T. 13 S., R. 24 E.
Sec. 1, N½ lot 1, lots 2, 3 and 4, S½NW¼ and SW¼;
Sec. 2;
Sec. 3, lots 1 to 4 inclusive, S½N½, N½S½ and SW¼SW¼;
Sec. 4, lots 1 and 2, S½NE¼, NE¼SW¼, S½SW¼ and SE¼;
Sec. 9, N½NE¼, SW¼NE¼ and E½NW¼;
Sec. 11, NE¼;
Sec. 12, NW¼.

The area described aggregates 3,285.87 acres in Cassia County.

For a period of 90 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Idaho State Director of the Bureau of Land Management.

Notice is hereby given that an opportunity for a public meeting is afforded in connection with the proposed withdrawal. All interested persons who desire a public meeting for the purpose of being heard on the proposed withdrawal must submit a written request to the Idaho State Director within 90 days from the date of publication of this notice. Upon determination by the authorized officer that a public meeting will be held, a notice of time and place will be published in the **Federal Register** at least 30 days before the scheduled date of the meeting.

The application will be processed in accordance with the regulations set forth in 43 CFR 2300.

For a period of 2 years from the date of publication of this notice in the **Federal Register**, the land will be segregated as specified above unless the application is denied or canceled or the withdrawal is approved prior to that date. The temporary uses which may be permitted during this segregative period are leases, licenses, permits, rights-of-way, etc.

The temporary segregation of the lands in connection with this withdrawal application shall not affect administrative jurisdiction over the lands, and the segregation shall not have the effect of authorizing any use of the lands by the Department of Agriculture.

Dated: May 15, 1991.

William E. Ireland,

Chief, Realty Operations Section.

[FR Doc. 91–12270 Filed 5–22–91; 8:45 am]

BILLING CODE 4310-GG-M

Fish and Wildlife Service

Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*):

PRT 755733

Applicant: Houston Zoological Gardens, Houston, TX.

The applicant requests a permit to purchase one male and one female white-collared mangabey (*Cercocebus torquatus*) from Zoo Atlanta for breeding purposes. These animals were originally imported from Zoologischer Garten Hannover, Hannover, Germany to Zoo Atlanta.

PRT 709815

Applicant: Abbey Garden, Carpinteria, CA.

The applicant requests a permit to sell artificially propagated specimens of *Agave arizonica* (Arizona agave), *Pediocactus sileri* (Siler pincushion cactus) and *Sclerocactus glaucus* (Uinta Basin hookless cactus) in interstate and foreign commerce. This is an amendment of a pre-existing permit.

PRT 680037

Applicant: Wayne S. Ragen, Thermal, CA.

The applicant requests a permit to export and reimport captive-bred tigers (*Panthera tigris*) and lions (*Panthers leo*) for display purposes. During each performance, applicant intends to provide the public with written and verbal information on the Bengal tiger's ecological role and conservation needs.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review by any party who submits a written request for a copy of such documents to, or by appointment during normal business hours (7:45–4:15) in, the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, room 432, Arlington, Virginia 22203. Phone: (703/358–2104); FAX: (703/358–2281).

Dated: May 17, 1991.

Maggie Tieger,

Acting Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 91–12197 Filed 5–22–91; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Freedom of Information Act Requests

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of official address.

SUMMARY: The Royalty Management Program (RMP) announces the official address for all Freedom of Information Act (FOIS) requests. This Notice provides the RMP address for written FOIA requests and the telephone number for inquires pursuant to FOIA matters.

EFFECTIVE DATE: May 23, 1991.

ADDRESSES: All FOIA requests directed to RMP should be mailed to the FOIA Coordinator, Attention: Greg Kann, Royalty Management Program, U.S. Department of the Interior, Minerals Management Service, P.O. Box 25165, Mail Stop 3060, Denver, Colorado 80225–0165.

FOR FURTHER INFORMATION CONTACT: FOIA Coordinator, Greg Kann, (303) 231–3013.

SUPPLEMENTARY INFORMATION: The Freedom of Information Act (5 U.S.C. 552) became law on September 6, 1966. It requires each agency to provide information that is subject to an FOIA request on a timely basis.

On February 1, 1990, the FOIA function for RMP was transferred from the Royalty Liaison Office, Washington DC to the Associate Director's Office, Denver, Colorado. As a result, all FOIA requests for RMP information are processed at the new location for control of the function.

Dated: May 17, 1991.

Jimmy W. Mayberry,

Acting Associate Director for Royalty Management.

[FR Doc. 91–12239 Filed 5–22–91; 8:45 am]

BILLING CODE 4310-MR-M

National Park Service

Proposed Cossatot National Scenic River, Arkansas; Receipt of Application and 45-day Public Review Period

SUMMARY: On July 3, 1990, the Governor of the State of Arkansas submitted an application to the Secretary of the Interior, requesting that a 10.4-mile segment of the Cossatot River, and a 0.3-mile segment of Brushy Creek in Southewestern Arkansas be designated a State-administered component of the National Wild and Scenic Rivers System in accordance with section 2a(ii) of the Wild and Scenic Rivers Act (Public Law 90–542 as amended; 16 U.S.C. 1271 and Scenic Rivers Act (Public Law 90–542 as amended; 16 U.S.C. 1271 *et seq.*). The segments involved are located within the Cossatot River State Park-Natural Area, which extends from the southern boundary of the Quachita National Forest to the upper reaches of Gillham Lake in southwestern Arkansas. The State Park-Natural Area is located approximately 130 miles southwest of Little Rock, Arkansas.

The general public and non-Federal agencies are also invited to review and comment on the State's application and proposed national designation of the Cossatot River. Copies of the State's application have been placed at the following locatings for public inspection and review. The number in parenthesis indicates the numer or copies available for review at that location:

Mike Curran, Supervisor (2), Quachita National Forest, P.O. Box 1270, Hot Springs, AR 71902.

Colonel Charles C. McCloskey, III (2), Little Rock District, Corps of Engineers, P.O. Box 867, Little Rock, AR 72203–0867.

Library Director (2), Winthrop Branch Library, Winthrop, AR 71866.

Library Director (2) Taxarkana Public Library, 600 West Third Street, Texarkana, TX 75501.

Library Director (2), Fulton Public Library, Fifth and Elm, Hope, AR 71801.

Library Director (2), Direrks Branch Library, Dierks, AR 71833.

Library Director (2), Mineral Springs Public Library, Mineral Springs, AR 71851.

Library Director (2), Howard County Library, 426 North Main, Nashville, AR 71852.

Library Director (2), Tollette Branch Library, Tollette, AR 71851

Library Director (2), Umpire Library, Umpire, AR 71971.

Library Director (2), Foreman Public Library, Foreman, AR 71836.

Library Director (2), Lockesburg Branch Library, Lockesburg City Hall Lockesburg, AR 71846.

Library Director (2), Horatio Branch Library, Hratio, AR 71842.

Library Director (2), Gillham Branch Library, Gillham, AR 71841.

Library Director (2), DeQueen Public Library 104 South 5th Street, DeQueen, AR 71832.

Library Director (2), Scott County Library, Waldron, AR 72958.

Library Director (2), Polk County Library, Mena, AR 71953.

Library Director (2), Murfreesboro Branch Library, Murfreesboro, Ar 71958.

Library Director (2), Glenwood Branch Library, Glenwood, AR 71943.

Library Director (2), Delight Branch Library, Delight, AR 71940.

Library Director (2), Ashdown Community Library, 160 East Commerce Street, Ashdown, AR 71822.

DATES: Written comments will be accepted until July 8, 1991.

ADDRESSES: Written comments should be sent to: Regional Director. National Park Service, Southwest Region, P.O. Box 728, 1220 St. Francis Dr., Santa Fe, NM 87504.

FOR FURTHER INFORMATION CONTACT: Alan Ragins, Regional Coordinator, National Wild and Scenic Rivers Systems, (505) 988–6881.

SUPPLEMENTARY INFORMATION: The Cossatot River was designated a State Protected River by Arkansas Natural and Scenic Rivers System Act 257 enacted by the State legislature and approved by the Governor of Arkansas on July 1, 1983. Section 2a(ii) of the Wilo and Scenic Rivers Act (Public Law 90–542 as amended. 16 U.S.C. 1271. *et seq.),* provides that a review protected by or pursuant to an act of the Stae legislative may be designated as a component of the national system by the Secretary of the Interior upon application from the Governor of the State and finding that the river qualifies for inclusion.

Dated: May 9, 1991.

James W. Stewart,

Acting Director National Park Service.

[FR Doc. 91–12275 Filed 5–22–91; 8:45 am]

BILLING CODE 4310–70–M

Land Protection Plan; Everglades National Park

AGENCY: National Park Service, Everglades National Park.

ACTION: Notice of availability of land protection plan.

SUMMARY: The draft Land Protection Plan for the East Everglades Addition of Everglades National Park has been completed. Review copies may be obtained from the Superintendent (LPP), Everglades National Park, Post Office Box 279, Homestead, Florida 33030.

The plan identifies land protection alternatives to meet the objectives of Public Law 101–229, December 18, 1989, which authorizes the expansion of Everglades National Park to restore and enhance the Everglades ecosystem in the addition and existing park, restore natural hydrologic conditions, and provide for appropriate administrative facilities and visitor use.

The policy of the Department of the Interior is, whenever practicable, to afford the public an opportunity to participate in the Land Protection Plan process. Accordingly, interested persons are invited to submit written comments, suggestions or objections regarding the proposed Land Protection Plan to the Superintendent at the address written above. Written comments will be accepted for 30 days following publication of this notice. Additionally, if the public has questions concerning the proposed plan, National Park Service officials will be available to answer your questions on May 22, 1991, from 7 p.m. to 10 p.m. at the Metro-Dade Government Center, 18th Floor, 111 Northwest First Street, Miami, Florida. This is not a public hearing as defined by 455 DM 1 but rather an opportunity for the public to have National Park Service officials explain or clarify portions of the proposed plan.

Dated: May 7, 1991.

C.W. Ogle,

Acting Regional Director, Southeast Region.

[FR Doc. 91–12276 Filed 5–22–91; 8:45 am]

BILLING CODE 4310–70–M

Acadia National Park Advisory Commission; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463. 86 Stat. 770, 5 U.S.C. app. 1, sec. 10), that the Acadia National Park Advisory Commission will hold a meeting on Monday, June 17, 1991.

The Commission was established pursuant to Public Law 99–420, sec. 103. The purpose of the Commission is to consult with the Secretary of the Interior, or his designee, on matters relating to the management and development of the Park, including but not limited to the acquisition of lands and interests in lands (including conservation easements on islands) and termination of rights of use and occupancy.

The meeting will convene at the Acadia National Park Headquarters, McFarland Hill, Route 233, Bar Harbor, Maine, at 1 p.m. to consider the following agenda:

1. Review and approval of minutes from the meeting held October 22, 1990.
2. Introduction of the new Park Superintendent.
3. Update on General Management Plan.
4. Preservation of findings by the Land Acquisition Committee.
5. Preservation of findings by the Conservation Easement Committee.
6. Proposed agenda and date of the next Commission meeting.

The meeting is open to the public. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the superintendent at least seven days prior to the meeting.

Further information concerning these meetings may be obtained from the Superintendent, Acadia National Park, P.O. Box 17, Bar Harbor, Maine 04609, tel: (207) 288–5456.

Dated: May 10, 1991.

Chrysandra Walter,

Acting Regional Director.

[FR Doc. 91–12277 Filed 5–22–91; 8:45 am]

BILLING CODE 4310–70–M

Farmington River Study Committee; Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C., app. 1, sec. 10), that a meeting of the Farmington River Study Committee will be held Thursday, June 13, 1991.

The Committee was established pursuant to Public Law 99–590. The purpose of the Committee is to consult with the Secretary of the Interior and to advise the Secretary in conducting the study of the Farmington River segments. The meeting will convene at 7:30 p.m. at the Otis Town Hall, Otis, MA, for the following purpose:

1. Approval of minutes from 4/11/91 meeting;

2. Update on status of instream flow study;
3. River Conservation Planning Subcommittee;
a. Update on local activity—town meetings, zoning regulations;
b. Private land protection program
c. Resident/landowner questionnaire;
4. Opportunity for public comment; and
5. Other business—
a. Election of officers for 1991; and
b. Next meeting dates and locations.

Interested persons may make oral/written presentations to the Committee or file written statements. Such requests should be made to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from the Chief, Office of Communications, National Park Service, North Atlantic Region, 15 State Street, Boston, MA 02109, (617) 223–5199.

Dated: May 10, 1991.

Chrysandra Walter,

Acting Regional Director.

[FR Doc. 91–12278 Filed 5–22–91; 8:45 am]

BILLING CODE 4310–70–M

[Order No. 3, Amendment 5]

Superintendents, et al., Pacific Northwest Region

Pacific Northwest Region Order No. 3, approved March 6, 1972, and published in the Federal Register of March 28, 1972 (37FR6325), as amended, set forth in section 2 certain authorities to offices and employees. This amendment changes paragraph (d) to read as follows and deletes paragraph (g):

Section 2. Delegation. * * *

(d) Regional Chief, Division of Lands

The Regional Chief, Division of Lands, is authorized to execute the land acquisition program, including contracting for acquisition of lands and related properties, and acceptance of offers to sell to, or exchange with the United States, lands or interests in lands, and to execute all necessary agreements and conveyances incidental thereto: to accept deeds conveying to the United States lands or interests in lands; to approve on behalf of the National Park Service offers of settlement in condemnation cases; to provide relocation assistance; and to approve claims for reimbursement under Public Law 91–646, as amended.

Dated: May 13, 1991.

William J. Briggle,

Acting Regional Director.

[FR Doc. 91–12279 Filed 5–22–91; 8:45 am]

BILLING CODE 4310–70–M

INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

Agency for International Development

Meeting of the Advisory Committee for the U.S. Trade and Development Program

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of a meeting of the Advisory Committee for the U.S. Trade and Development Program ("TDP"). The meeting will be held on Friday, July 21, 1991 at the Watergate Hotel, 2650 Virginia Avenue, NW., Washington, DC.

The Committee will discuss TDP's Information Dissemination and Procurement Promotion initiative and ways to make TDP even more effective in enhancing American competitiveness.

The meeting will begin at 9 a.m. and will adjourn when its business is completed that afternoon. The meeting is open to the public. Any interested persons may attend, file a written statement with the Advisory Committee, and, when recognized by the chairperson, present short oral statements as time permits.

For further information, contact Priscilla Rabb Ayres, Director, TDP, room 309, S.A.–16, Washington, DC 20523–1602, Telephone: 703–875–4357.

Dated: May 10, 1991.

Priscilla Rabb Ayres,

Director.

[FR Doc. 91–12254 Filed 5–22–91; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research Act of 1984—CAD Framework Initiative, Inc.

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), CAD Framework Initiative, Inc. ("CFI") on April 22, 1991, has filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing certain changes in the membership of CFI. The additional written notification was filed for the purpose of extending the protections of section 4 of the Act, limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

On December 30, 1988, CFI filed its orginal notification pursuant to section 6(a) of the Act. That filing was amended on February 7, 1989. The Department of Justice published a notice concerning the amended filing in the Federal Register pursuant to section 6(b) of the Act of March 13, 1989 (54 FR 10456). A correction to this notice was published on April 20, 1989 (54 FR 16013). On May 17, 1989, CFI filed an additional written notification. The Department published a notice in response to this additional notification on June 22, 1989 (54 FR 26265). A correction to the June 22, 1989 notice was published on August 4, 1989 (54 FR 32141); a further correction was published on August 23, 1989 (54 FR 35091). On August 16, 1989, CFI filed an additional written notification. The Department published a notice in response to this additional notification on September 21, 1989 (54 FR 38912). CFI filed a further additional notification on November 15, 1989. The Department published a notice in response to the further additional notification on January 10, 1990, (55 FR 925). On February 15, 1990 CFI filed an additional written notification. The Department published a notice in response to the further additional notification on April 23, 1990 (55 FR 15295).

CFI filed an additional notification on May 15, 1990. The Department published a notice in response to the additional notification on June 29, 1990 (55 FR 26792). CFI filed an additional notification on August 16, 1990. The Department published a notice in response to the additional notification on September 18, 1990 (55 FR 38417). CFI filed an additional notification on October 22, 1990. The Department published a notice in response to the further additional notification on December 10, 1990 (55 FR 50786). On January 25, 1991, CFI filed an additional written notification. The Departmemt published a notice in response to the further additional notification on March 25, 1991 (56 FR 12387).

The purpose of this notification is to disclose certain changes in the membership of CFI. The changes consist of the following: (1) The addition of corporate members: Compass Tech, Inc., Fujitsu America Inc., Nippon Telegraph, Synopsys, Inc.; (2) the addition of associate members: Chips and Technology, STC, Xerox Corporation, Earl F. Ecklund, Jr., Peter Gustafsson, Uwe Jasnoch, Jack Madesky, Jimm Meloy, Dieter Seitzer; (3) Teradyne, Inc., and Xidak, Inc. have changed their membership status in CFI from corporate to associate: (4) Nixdorf Computer AG has changed its membership status from associate to corporate; (5) Advanced Micro Devices, Inc., Compaq Computer Corporation,

Matsushita Electric Industrial Co., Ltd., Plessey Semiconductors Ltd., Sharp Corporation, VLSI Technology, Inc., Zuken, Inc., Engineering Datexpress, Inc., Frauhofer AIS, Intel Corp., Intergraph Corp., PTT Research Neher Laboratories, Racal-Redac, Inc., Scientific & Engineering Software, Tandem Computer, Versant Object Technology, Rohini Adhikari, Gordon Adshead, Timothy Andrews, Gaal Balazs, Antoine Bigirimana, Duane Boning, John Burton, Goodwin Chin, Hong-Tai Chou, Bernard Clark, Aart DeGeus, Jerry Erickson, Read Fleming, Kelly Gomes, J. Stephen Grout, Michael Haney, Robert Harris, Michael Heck, Amir Hekmatpour, Wei-Cheng Her, Tamio Hoshino, Arding Hsu, Michael Jamiolkowski, Mark E. Law, Thomas Lupfer, Michel McLennan, Thomas Miller, Myer Morron, Gordon Neal, Karl Neusinger, Robert Piloty, Detlev Ruland, Jerry Sewell, Moe Shahdad, Ernst Siepmann, Paul Titchener, R. Van Overstraeten, Wolfgan Wilkes, Alexander Wong, James Wu, and Eli Zukovsky have not renewed their memberships in CFI.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 91-12210 Filed 5-22-91; 8:45 am]

BILLIND CODE 4410-01-M

Notice Pursuant to the National Cooperative Research Act of 1984—International Association for Character Windowing Standards

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), International Association for Character Windowing Standards ("IACWS") on April 22, 1991, has filed a written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties, and their general areas of planned activities are given below.

IACWS is a nonprofit international organization that currently consists of 13 members, all of them makers of computer equipment and/or software. IACWS was organized as a nonprofit mutual benefit corporation under the laws of the state of California on March 15, 1991. The initial members of the organization are Applied Digital Data Systems, Inc., AT&T Bell Laboratories, Cumulus Technology Corporation, Digital Equipment Corp., Esprit System, Inc., JSB Computer Systems Limited, Liberty Electronics, Inc., Link Technologies, Inc., Microterm, Inc., Microvitec PLC, the Santa Cruz Operation, Televideo Systems, Inc., and Wyse Technology.

The purpose of IACWS is to research, establish and publish standards for the development of applications software for alphanumeric terminals attaching to computers running under the UNIX operating system. The standards would consist of a set of rules that applications programmers could follow in writing programs that have multisession "windowing" capability. This function permits users to run two or more applications simultaneously with each application appearing on the terminal monitor as a separate "window."

IACWS's goal in establishing the standards is to achieve broad customer acceptance of alphanumeric terminals and related software and to make such terminals and software more attractive for computer users that need multisessioning capability. The windowing standards will allow programmers to write, and allow terminal users to operate, applications that run on terminals and operating system software irrespective of computer vendor. That is, by conforming to the standards, programs that offer multisession functionality will be portable among different computer vendors' systems.

The establishment of the standards is in response to increasing user demands for greater efficiency and ease of use among different computer systems. Portability would enhance the choices available to computer system users and increase the market opportunities and creative efforts of software developers. As such, IACWS's activities are aimed at promoting the maximum use of computer systems resources in the United States and abroad.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 91-12211 Filed 5-22-91; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research Act of 1984—OSI/Network Management Forum

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), OSI/Network Management Forum ("the Forum") on April 17, 1991, filed an additional written notification simultaneously with the Attorney General and the Federal Trade Commission disclosing additions to its membership. The additional notification was filed for the purpose of extending the protections of section 4 of the Act, limiting recovery of antitrust plaintiffs to actual damages under specific circumstances.

On October 21, 1988, the Forum filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the Federal Register pursuant to section 6(b) of the Act on December 8, 1988 (53 FR 49615). On December 23, 1988, March 23, 1989, July 3, 1989, September 28, 1989, November 22, 1989, January 29, 1990, March 20, 1990, May 7, 1990, July 20, 1990, and February 27, 1991, the Forum filed additional written notifications pursuant to section 6(a) of the Act. The Department published notices in the Federal Register pursuant to Section 6(b) on January 26, 1989 (54 FR 3870), April 25, 1989 (54 FR 17834), August 4, 1989 (54 FR 32141), October 26, 1989 (54 FR 43631), January 10, 1990 (55 FR 926), February 28, 1990 (55 FR 7046), April 23, 1990 (55 FR 15295), May 24, 1990 (55 FR 21449), August 20, 1990 (55 FR 33967), and April 3, 1991 (56 FR 13655), respectively.

The identities of the additional parties to the venture are given below:

Associate Members

Banyan Systems, Inc., 115 Flanders Road, Westboro, MA 01581.

DSC Communications Corporation, 1000 Coit Road, Plano, TX 75075.

Deutsche Bundespost Telekom, PO Box 10 00 03, Darmstadt D-6100, Germany.

Octocom Systems, Incorporated, 255 Ballardvale Street, Wilmington, MA 01887.

S.I.A.S.P.A., Viale Certosa 218, Milano 20156, Italy.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 91-12212 Filed 5-22-91; 8:45 am]

BILLING CODE 4410-01-M

Notice Pursuant to the National Cooperative Research Act of 1984—Switched Multi-Megabit Data Service Interest Group

Notice is hereby given that, pursuant to section 6(a) of the National Cooperative Research Act of 1984, 15 U.S.C. 4301 *et seq.* ("the Act"), the Switched Multi-Megabit Data Service Group ("the Group") on April 19, 1991, has filed a written notification simultaneously with the Attorney General and the Federal Trade

Commission disclosing: (1) The identities of the parties to the venture and (2) the nature and objectives of the venture. The notification was filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties to the venture and its general areas of planned activities are given below.

The initial, founding members are:

Multiaccess Computing Corporation, 1158 Via Bolzano, Santa Barbara, California 93111.

GTE Telephone Operations, 4500 Fuller Drive, Irving, Texas 75038.

AT&T Network Systems, 184 Liberty Corner Road, Warren, New Jersey 07059–0908.

Bellcore, 331 Newman Springs Road, Mail Stop NVC 1A–333, Red Bank, New Jersey 07701.

ADC Kentrox Industries, 14375 NW Science Park Drive, Portland, Oregon 97229.

Alcatel Network Systems, 2912 Wake Forest Road, Raleigh, North Carolina 27609.

Bell Atlantic NSI, 1310 North Court House Road, 8th Floor, Arlington, Virginia 22201.

Pacific Bell, Inc., 2600 Camino Ramon, room 3S 151, San Ramon, California 94583.

Siemens Stromberg Carlson, 900 Broken Sound Parkway, Boca Raton, Florida 33487.

Wellfleet Communications, Inc., 15 Crosby Drive, Bedford, Massachusetts 01730.

BellSouth Telephone Operations, 3535 Colonnade Parkway, Main Stop North W3A2, Birmingham, Alabama 35243.

Cisco Systems, Inc., 1525 O'Brien Drive, Menlo Park, California 94025.

Digital Link Corporation, 252 Humboldt Court, Sunnyvale, California 94089.

NCR Corporation, Network Products Division, 2700 Snelling Avenue North, Roseville, Minnesota 55113.

Network Systems Corporation, 7600 Boone Avenue North, Mail Stop 21, Brooklyn Park, Minnesota 55428.

NYNEX Corporation, 500 Westchester Avenue, White Plains, New York 10604.

OKI America, Inc., 575 Fifth Avenue, 19th Floor, New York, New York 10017.

Southwestern Bell Corporation, One Bell Center, St. Louis, Missouri 63101–3099.

Williams Telecommunications, 1440 Lake Front Circle, The Woodlands, Texas 77380.

The purpose and objectives of the Group are to promote the development and usage of switched multi-megabit data services ("SMDS"). The Group's activities will include promoting SMDS, providing SMDS education, fostering the exchange of SMDS information, ensuring worldwide interoperability, determining and resolving SMDS issues, identifying and stimulating SMDS applications, encouraging the orderly evolution of SMDS, and coordinating with recognized standards bodies.

The Group is organized as a California non-profit mutual benefit corporation. The Group will not manufacture any products or sell any services. The results of the Group's activities will be available to all members on reasonable terms applied uniformly and openly. Membership is open to any information network or equipment provider or user. The Group intends to file additional written notifications disclosing all changes in membership in the Group.

Joseph H. Widmar,

Director of Operations, Antitrust Division.

[FR Doc. 91–12213 Filed 5–22–91; 8:45 am]

BILLING CODE 4410–01–M

Notice of Lodging of Consent Decree

Notice is hereby given that on May 14, 1991 a proposed Consent Decree was lodged with the United States District Court for the Northern District of Ohio in *United States* v. *Gencorp, Inc., et al.*, Civil Action No. 5:89CV1866 (N.D. Ohio), an action brought pursuant to section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9607. The proposed Consent Decree would resolve certain claims which the United States has asserted against GenCorp, Inc.; SCM Corporation; Elkem Managment Inc.; Hanlin Group, Inc.; Olin Corporation; Cabot Corporation; Imcera Group Inc.; Sherwin-Williams Company; and Union Carbide Chemical and Plastics Company Inc., for recovery of response costs that the United States has incurred in connection with the Fields Brook site in Ashtabula, Ohio. The proposed Consent Decree would also resolve counterclaims that Settling Defendants have asserted against the United States in *United States* v. *Gencorp, Inc.*, Civil Action No. 5:89CV1866 (N.D. Ohio).

The Department of Justice will receive comments relating to the proposed Consent Decree for 30 days following the publication of this Notice. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Gencorp Inc. et al.*, D.J. Ref. No. 90–11–2–210. The proposed Consent Decree may be examined at the Office of the United States Attorney for the Northern District of Ohio, 1404 East Ninth Street, suite 500, Cleveland, Ohio 444114, and at the Environmental Enforcement Section Document Center, 1333 F Street, NW., suite 600, Washington, DC 20004 (202–347–2072). A copy of the proposed Consent Decree may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $7.00 (25 cents per page reproduction costs) payable to Aspen Systems Corporation.

Barry M. Hartman,

Acting Assistant Attorney, Environmental and Natural Resources Division.

FR Doc. 91–12209 Filed 5–22–91; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

Advisory Council on Employee Welfare and Pension Benefit Plans; Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, a public meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans will be held on Friday, June 14, 1991, in suite S–4215, U.S. Department of Labor Building, Third and Constitution Avenue, NW., Washington, DC 20210.

The purpose of the sixty-seventh meeting of the Secretary's ERISA Advisory Council which will begin at 9:30 a.m. is to consider the items listed below, and to invite public comment on any aspect of the administration of ERISA.

Agenda

I. Introduction and Swearing-in of New Council Members

II. Assistant Secretary's Report on:
- A. PWBA Priorities for 1991.
- B. Report to Congress.
- C. Naming of Council Chairperson and Vice Chairperson.
- D. Other.
- E. Miscellaneous Issues.

III. Orientation of New Members
- A. Alan D. Lebowitz, Deputy Assistant Secretary for Program Operations.
- B. Morton Klevan, Director, Office of Policy and Legislative Analysis.
- C. Charles Lerner, Director, Office of Enforcement.
- D. Robert J. Doyle, Director, Office of Regulations and Interpretations.
- E. Ivan Strasfeld, Director, Office of Exemptions and Determinations.

F. June E. Patron, Director, Office of Program Services.
G. Robert A. Shapiro, Esq., Deputy Associate Solicitor, Office of the Solicitor.
IV. Report of Advisory Council Working Groups
V. Determination of Council Working Groups for 1991
VI. Establish Council and Working Group Meeting Dates
VII. Statements from the Public
VIII. Adjourn

Members of the public are encouraged to file a written statement pertaining to any topic concerning ERISA by submitting 20 copies on or before June 5, 1991 to William E. Morrow, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, suite N–5677, 200 Constitution Avenue, NW., Washington, DC 20210. Individuals, or representatives of organizations wishing to address the Advisory Council should forward their request to the Executive Secretary or telephone (202) 523–8753. Oral presentations will be limited to ten minutes, but an extended statement may be submitted for the record.

Organizations or individuals may also submit statements for the record without testifying. Twenty (20) copies of such statement should be sent to the Executive Secretary of the Advisory Council at the above address. Papers will be accepted and included in the record of the meeting if received on or before June 5, 1991.

David George Ball,

Assistant Secretary for Pension and Welfare Benefits Administration.

[FR Doc. 91–12159 Filed 5–22–91; 8:45 am]

BILLING CODE 4510–29–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS) and Advisory Committee on Nuclear Waste (ACNW); Proposed Meetings

In order to provide advance information regarding proposed public meetings of the ACRS Subcommittees and meetings of the ACRS full Committee, of the ACNW, and the ACNW Working Groups the following preliminary schedule is published to reflect the current situation, taking into account additional meetings which have been scheduled and meetings which have been postponed or cancelled since the last list of proposed meetings published April 24, 1991 (56 FR 18840). Those meetings which are definitely scheduled have had, or will have, an individual notice published in the **Federal Register** approximately 15 days (or more) prior to the meeting. It is expected that sessions of ACRS full Committee and ACNW meetings designated by an asterisk (*) will be closed in whole or in part to the public. ACRS full Committee and ACNW meetings begin at 8:30 a.m. and ACRS Subcommittee and ACNW Working Groups meetings usually begin at 8:30 a.m. The time when items listed on the agenda will be discussed during ACRS full Committee and ACNW meetings and when ACRS Subcommittee meetings will start will be published prior to each meeting. Information as to whether a meeting has been firmly scheduled, cancelled, or rescheduled, or whether changes have been made in the agenda for the June 1991 ACRS and ACNW full Committee meetings can be obtained by a prepaid telephone call to the Office of the Executive Director of the Committees (telephone: 301/492–4600 (recording) or 301/492–7288, Attn: Barbara Jo White) between 7:30 a.m. and 4:15 p.m., Eastern Time.

ACRS Subcommittee Meetings

Improved light Water Reactors, May 29, 1991, Bethesda, MD. The Subcommittee will review the Draft Safety Evaluation Reports (DSERs) corresponding to chapters 7, 11, 12, and 13 of the EPRI Requirements document for evolutionary designs.

Advanced Boiling Water Reactors, May 30, 1991, Bethesda, MD. The Subcommittee will review the GE/ABWR design detail and layout.

Joint Plant Operations and Probabilistic Risk Assessment, June 5, 1991, Bethesda, Md. The Subcommittees will discuss the NRC staff's Action Plan to evaluate the risk from nuclear power plant shutdown operations.

Regional Programs, June 18–19, 1991, NRC Region III Office, Glen Ellyn, IL. The Subcommittee will discuss the activities of the NRC Region III Office.

Extreme External Phenomena, July 10, 1991, Bethesda, Md. The Subcommittee will discuss the NUMARC/EPRI Fire Vulnerabilities Evaluation (FIVE) Methodology for IPEEE.

Joint Thermal Hydraulic Phenomena and Core Performance, Date to be determined (July/August, tentative), Bethesda, Md. The Subcommittees will continue their review of the issues pertaining to BWR core power stability.

Therma Hydraulic Phenomena, Date to be determined (August, tentative), Bethesda, Md. The Subcommittee will continue its review of the NRC staff program to address the issue of interfacing systems LOCAs.

Thermal Hydraulic Phenomena, Date to be determined, Bethesda, Md. The Subcommittee will review the status of the application of the Code Scaling, Applicability, and Uncertainty (CSAU) Evaluation Methodology to a small-break LOCA calculation for a B&W plant.

Severe Accidents, Date to be determined, Bethesda, Md. The Subcommittee will discuss elements of the Severe Accident Research Program.

Instrumentation and Control Systems, Date to be determined, Bethesda, Md. The Subcommittee will discuss EPRI's reactor set-point analysis methodology for future plants.

Improved Light Water Reactors, Date to be determined, Bethesda, Md. The Subcommittee will discuss adoption of the (N+2) concept for future plants.

Extreme External Phenomena, Date and place to be determined. The Subcommittee will discuss the Diablo Canyon Long-Term Seismic Program.

Regulatory Activities, Date to be determined, Bethesda, Md. The Subcommittee will discuss the proposed final resolution of Generic Safety Issue–113, "Dynamic Qualificatoin Testing of Large Bore Hydraulic Snubbers."

Advanced Pressurized Water Reactors, Date to be determined (September, tentative), Bethesda, Md. The Subcommittee will continue its review of the CE System 80+ Standard Plant Design Certification.

Occupational and Environmental Protection Systems, Date to be determined, Bethesda, Md. The Subcommittee will review the regulatory guides related to the implementation of the revised 10 CFR part 20 rule.

Systematic Assessment of Experience, Date to be determined, Bethesda, Md. The Subcommittee will discuss with the NRC staff and the industry the safety significance of the lessons learned from the operating experience with solenoid-operated valves (SOVs). Also, it will discuss the comments received from the Nuclear Utility Group on Equipment Qualification regarding the AEOD's findings on SOV problems at U.S. nuclear power plants.

ACRS Full Committee Meetings

374th ACRS Meeting, June 6–8, 1991, Bethesda, MD. Items are tentatively scheduled.

A. *Reactor Operating Experience (Open/Closed)*—Briefing regarding recent operating incidents and events including loss of offsite power at the Vermont Yankee nuclear plant, main transformer fault and resulting fire at the Maine Yankee nuclear station (tentative). Representatives of the NRC staff and industry will participate, as appropriate.

B. *Meeting with NRC Commissioners (Open)*—Discuss items of mutual interest including ACRS recommendations regarding containment design criteria to accommodate severe accidents, the training and qualification of nuclear power plant personnel, and the emergency response data system as appropriate.

C. *Evaluation of Risk During Periods of Low-Power and Shutdown Operations at Nuclear Power Plants (Open)*—Briefing regarding the status of the Staff's evaluation of risk during low-power and shutdown operations. Representatives of the NRC staff and industry will participate, as appropriate.

D. *ACRS Subcommittee Activities (Open/Closed)*—Briefings and discussion regarding the status of designated ACRS Subcommittee activities.

E. *Certification of Nuclear Power Plant Simulators (Open)*—Briefing and discussion regarding the certification process for nuclear power plant training simulators. Representatives of the NRC staff will participate.

F. *Future ACRS Activities (Open)*—Discuss proposed and anticipated Subcommittee and full Committee activities.

G. *Fitness for Duty (tentative) (Open)*—Briefing and discussion regarding the NRC staff evaluation of licensee experience under 10 CFR part 26, the current NRC fitness-for-duty regulation. Representatives of the NRC staff and industry will participate, as appropriate.

H. *Miscellaneous (Open)*—Complete discussion of items that were not completed at previous ACRS meetings as time and availability of information permit, including proposed Committee comments regarding use of PRA in the regulatory process.

375th ACRS Meeting, July 11–13, 1991—Agenda to be announced.

376th ACRS Meeting, August 8–10, 1991—Agenda to be announced.

ACNW Full Committee and Working Group Meetings

ACNW Working Group on Expert Judgment in Performance Assessment of a Geologic Repository, June 18 and 19, 1991, Bethesda, MD. The Working Group will continue the examination of methods for eliciting expert opinion. The meeting will focus on the actual mechanics of elicitation. This includes questions on who will identify and select the experts, as well as how the selected experts are trained and how their opinions are aggregated. Human intrusion will serve as the reference example in relating the elicitation process to a real and useful application. Participants will include normative experts, as well as NRC and DOE staff and consultants involved with Yucca Mountain and WIPP.

32nd ACNW Meeting, June 20, 1991, Bethesda, MD. Items are tentatively scheduled.

A. Complete response to Staff Requirements Memorandum concerning the Low-Level Waste form leachability and groundwater protection requirements in 10 CFR part 61.

B. Report by a Committee member on a recent visit to the West Valley Demonstration Project.

C. Report to the Committee by Chairman of the Joint Working Group on Expert Judgment and Human Instrusion of a meeting held on June 18–19, 1991.

D. Discuss anticipated and proposed Committee activities, future meeting agenda, administrative, and organizational matters, as appropriate. Also, discuss matters and specific issues that were not completed during previous meetings as time and availability of information permit.

33rd ACNW Meeting, July 24–26, 1991.—Agenda to be announced.

34th ACNW Meeting, August 28–29, 1991.—Agenda to be announced.

ACNW Working Group on Geologic Dating, Date to be determined, Bethesda, MD. The Working Group will discuss problems and limitations with various Quaternary dating methods to be used in site characterization of a high-level waste repository.

ACNW Working Group on Long-Term Climate Change, Date to be determined, Bethesda, MD. The Working Group will discuss potential long-range climate changes and their impact on performance assessments of a proposed high-level repository.

ACNW Working Group on Clean-up Criteria for Non-Reactor Sites, Date to be determined, Bethesda, MD. The Working Group will discuss possible clean-up levels for soils and other materials at non-reactor sites contaminated with uranium and/or thorium. Some candidate sites were closed under previously applicable criteria, which are elevated in the present regulatory environment. The Committee was asked by the NRC staff for guidance and recommendations.

Dated: May 17, 1991.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 91–12192 Filed 5–22–91; 8:45 am]

BILLING CODE 7590–01–M

Advisory Committee on Reactor Safeguards; Joint Subcommittee on Plant Operations and Probabilistic Risk Assessment; Notice of Meeting

The ACRS joint Subcommittee on Plant Operations and Probabilistic Risk Assessment will hold a meeting on June 5, 1991, room P–110, 7920 Norfolk Avenue, Bethesda, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Wednesday, June 5, 1991—8:30 a.m. until the conclusion of business.

The Subcommittee will discuss the activities of the NRC staff and industry to address the issue of risk from nuclear power plant shutdown operations.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Recordings will be permitted only during those sessions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommitte, its consulants, and staff. Persons desiring to make oral statements should notify the ACRS staff member named below as far in advance as is practicable so that appropriate arrangements can be made.

During the meeting, the Subcommittee, along with any of their consulants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, the nuclear industry, their respective consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Official, Mr. Paul Boehnert (telephone 301/492–8558) between 7:30 a.m. and 4:15 p.m. Persons planning to attend this meeting are urged to contact the above named individual one or two days before the scheduled meeting to be advised of any changes in schedule, etc., that may have occured.

Dated: May 16, 1991.

Gary R. Quittschreiber,

Chief Nuclear Reactors Branch.

[FR Doc. 91-12191 Filed 5-22-91; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF PERSONNEL MANAGEMENT

Performance Management and Recognition System Review; Committee Meeting

The Office of Personnel Management announces the following meeting:

Name: Performance Management and Recognition System Review Committee Meeting.

Date and time: June 11, 1991, 10 a.m. to 5 p.m.

Place: Room 1350, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415-0001.

Type of meeting: Open.

Point of contact: Ms. Doris Hausser, Chief of the Performance Management Division, room 7454, Office of Personnel Management, 1900 E Street NW., Washington, DC 20415-0001.

Purpose of meeting: To review the Performance Management and Recognition System and make recommendations for a fair and effective performance management system for Federal managers.

Agenda: June 11, 1991–Committee goals and objectives; scope of inquiry; research and resources on performance-based pay; basic issues and challenges facing the committee; committee administration, comments and observations; public input; closing.

SUPPLEMENTARY INFORMATION: The committee welcomes written data, views, or comments concerning systems for managing and recognizing the performance of Federal managers. All such submissions received by close of business June 4, 1991, will be provided to the committee members and included in the record of the June 11, 1991, meeting.

If time permits, the committee will consider oral presentations relating to agenda items. Persons wishing to address the committee orally at the June 11, 1991, meeting should submit a written request to be heard by close of business June 4, 1991. The request must include the name and address of the person wishing to appear, the capacity in which the appearance will be made, a short summary of the intended presentation, and an estimate of the amount of time needed.

All communications regarding this committee should be addressed to the Point of Contact named above.

Office of Personnel Management.

Constance Berry Newman,

Director.

[FR Doc. 91-12257 Filed 5-22-91; 8:45 am]

BILLING CODE 6325-01-M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-18156; 811-2448]

Axe-Houghton Fund B, Inc.; Application

May 16, 1991.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "1940 Act").

APPLICANT: Axe-Houghton Fund B, Inc.

RELEVANT 1940 ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company under the 1940 Act.

FILING DATES: The application on Form N-8F was filed on May 10, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing request should be received by the SEC by 5:30 p.m. on June 13, 1991, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 400 Benedict Avenue, Tarrytown, NY 10591.

FOR FURTHER INFORMATION CONTACT: Felice R. Foundos, Staff Attorney, (202) 272-2190, or Jeremy N. Rubenstein, Branch Chief, (202) 272-3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management company organized as a corporation under the laws of the State of Maryland. On January 7, 1974, applicant registered under the 1940 Act as an investment company and filed a registration statement pursuant to section 8(b) of the 1940 Act. On approximately August 8, 1938, a predecessor of applicant filed a registration statement pursuant to the Securities Act of 1933. The registration statement became effective around September 15, 1938 and the initial public offering commenced immediately thereafter. Applicant became a successor to its predecessor's registration statement in 1974.

2. At a meeting held on July 11, 1990, applicant's board of directors approved a proposal to reorganize applicant and authorize the preparation of proxy materials to solicit shareholder approval for the reorganization. Under the proposed reorganization, applicant would sell substantially all of its assets and liabilities to Axe-Houghton Fund B (the "Acquiring Fund"), a separate series of Axe-Houghton Funds, Inc. (the "Acquiring Company").

3. the investment adviser to applicant and the Acquiring Fund is under the common control of USF&G Corporation. USF&G Corporation and its affiliates owned at least 5% of applicant and, prior to the reorganization, owned all of the outstanding shares of the Acquiring Fund. Because of these relationships, applicant and the Acquiring Fund were affiliated persons. Section 17(a) generally prohibits the purchase and sale of securities or other property between an investment company and its affiliated persons. Because applicant and the Acquiring Fund were affiliated by a reason other than having a common investment adviser, applicant was unable to rely on rule 17a-8 unde the 1940 Act, which provides relief from section 17(a) for the sale of substantially all of an investment company's assets to certain affiliated investment companies. Therefore, on July 20, 1990, applicant filed an application under section 17(b) of the 1940 Act for an order exempting applicant from the provisions of section 17(a) of the Act to the extent necessary to implement the reorganization. A notice of the filing of this application was issued on September 27, 1990 (Investment Company Act Release No. 17762) and an order granting the exemption was issued on October 25, 1990 (Investment Company Act Release No. 17821).

4. On September 13, 1990, applicant's board of directors approved a final plan of reorganization and called for consideration of the plan at a special meeting of shareholders held on October

31, 1990. On September 24, 1990, applicant filed definitive proxy materials with the Commission and mailed these materials to shareholders on or about that same date. Applicant's shareholders approved the reorganization at the special meeting held on October 31, 1990.

5. Pursuant to the reorganization, applicant transferred substantially all of its assets and liabilities to the Acquiring Fund on October 31, 1990 in exchange for shares of the Acquiring Fund. The exchange of assets for shares was at relative net asset value as computed on October 31, 1990. On this date applicant also distributed *pro rata* to its shareholders the Acquiring Fund shares received in the exchange. No brokerage commissions were incurred in this reorganization.

6. All expenses of the reorganization were borne by USF&G Investment Services, Inc., the distributor of the Acquiring Fund.

7. On March 4, 1991, applicant filed Articles of Dissolution with the State Department of Assessments and Taxation of Maryland. Applicant was dissolved as a Maryland corporation on that date.

8. As of the date of the application, the applicant had no assets or debts. All liabilities and obligations not discharged by applicant as of October 31, 1990 were assumed by the Acquiring Fund.

9. Applicant has filed petitions with the Pennsylvania Department of Revenue, Board of Finance and Revenue disputing claims made by this department for franchise taxes allegedly due for tax years 1988 and 1989. Any additional tax liability resulting from this dispute will be paid by the Acquiring Fund.

10. Applicant is neither engaged in nor proposes to engage in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-12224 Filed 5-22-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18155; 811-2456]

Axe-Houghton Income Fund, Inc.; Notice of Application

May 16, 1991.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "1940 Act").

APPLICANT: Axe-Houghton Income Fund, Inc.

RELEVANT 1940 ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company under the 1940 Act.

FILING DATE: The application on Form N-8F was filed on May 10, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 13, 1991, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 400 Benedict Avenue, Tarrytown, NY 10591.

FOR FURTHER INFORMATION CONTACT: Felice R. Foundos, Staff Attorney, (202) 272-2190, or Jeremy N. Rubenstein, Branch Chief, (202) 272-3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management company organized as a corporation under the laws of the State of Maryland. On February 7, 1974, applicant registered under the 1940 Act as an investment company and filed a registration statement pursuant to section 8(b) of the 1940 Act. On approximately August 8, 1938, a predecessor of applicant filed a registration statement pursuant to the Securities Act of 1933. The registration statement became effective around September 15, 1938 and the initial public offering commenced immediately thereafter. Applicant became a successor to its predecessor's registration statement in 1974.

2. At a meeting held on July 11, 1990, applicant's board of directors approved a proposal to reorganize applicant and authorized preparation of proxy materials to solicit shareholder approval for the reorganization. Under the proposed reorganization, applicant would sell substantially all of its assets and liabilities to Axe-Houghton Income Fund (the "Acquiring Fund"), a separate series of Axe-Houghton Funds, Inc. (the "Acquiring Company").

3. The investment adviser to applicant and the Acquiring Fund is under common control of USF&G Corporation. USF&G and its affiliates owned at least 5% of applicant and, prior to the reorganization, owned all of the outstanding shares of the Acquiring Fund. Because of these relationships, applicant and the Acquiring Fund were affiliated persons. Section 17(a) generally prohibits the purchase and sale of securities or other property between an investment company and its affiliated persons. Because applicant and the Acquiring Fund were affiliated by a reason other than having a common investment adviser, applicant was unable to rely on rule 17a-8 under the 1940 Act, which provides relief from section 17(a) for the sale of substantially all of an investment company's assets to certain affiliated investment companies. Therefore, on July 20, 1990, applicant filed an application under section 17(b) of the 1940 Act for an order exempting applicant from the provisions of section 17(a) of the Act to the extent necessary to implement the reorganization. A notice of the filing of this application was issued on September 27, 1990 (Investment Company Act Release No. 17762) and an order granting the exemption was issued on October 25, 1990 (Investment Company Act Release No. 17821).

4. On September 13, 1990, applicant's board of directors approved a final plan of reorganization and called for consideration of the plan at a special meeting of shareholders held on October 31, 1990. On September 24, 1990, applicant filed definitive proxy materials with the Commission and mailed these materials to shareholders on or about that same date. Applicant's shareholders approved the reorganization at the special meeting held on October 31, 1990.

5. Pursuant to the reorganization, applicant transferred substantially all of its assets and liabilities to the Acquiring Fund on October 31, 1990 in exchange for shares of the Acquiring Fund. The exchange of assets for shares was at relative net asset value as computed on October 31, 1990. On this date applicant

also distributed *pro rata* to its shareholders the Acquiring Fund shares received in the exchange. No brokerage commissions were incurred in this reorganization.

6. All expenses of the reorganization were borne by USF&G Investment Services, Inc., the distributor of the Acquiring Company's shares.

7. On March 4, 1991, applicant filed Articles of Dissolution with the State Department of Assessments and Taxation of Maryland. Applicant was dissolved as a Maryland corporation on that date.

8. As of the date of the application, the applicant had no assets or debts. All liabilities and obligations not discharged by applicant as of October 31, 1990 were assumed by the Acquiring Fund.

9. Applicant has filed petitions with the Pennsylvania Department of Revenue, Board of Finance and Revenue disputing claims made by this department for franchise taxes allegedly due for tax years 1988 and 1989. Any additional tax liability resulting from this dispute will be paid by the Acquiring Fund.

10. Applicant is neither engaged in nor proposes to engage in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-12225 Filed 5-22-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18153; 811-3188]

Axe-Houghton Money Market Fund, Inc.; Notice of Application

May 16, 1991.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of Application for Deregistration under the Investment Company Act of 1940 (the "1940 Act").

APPLICANT: Axe-Houghton Money Market Fund, Inc.

RELEVANT 1940 ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company under the 1940 Act.

FILING DATE: The application on Form N-8F was filed on May 10, 1991.

HEARING OR NOTIFICATION OF HEARINGS: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 13, 1991, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 400 Benedict Avenue, Tarrytown, NY 10591.

FOR FURTHER INFORMATION CONTACT: Felice R. Foundos, Staff Attorney, (202) 272-2190, or Jeremy N. Rubenstein, Branch Chief, (202) 272-3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management company organized as a corporation under the laws of the State of Maryland. On May 28, 1981, applicant registered under the 1940 Act as an investment company and on June 3, 1981, filed a registration statement pursuant to section 8(b) of the 1940 Act. On June 3, 1981, applicant also filed a registration statement pursuant to the Securities Act of 1933. The registration statement became effective on September 2, 1981 and the initial public offering commenced immediately thereafter.

2. At a meeting held on July 11, 1990, applicant's board of directors approved a proposal to reorganize applicant and authorized the preparation of proxy materials to solicit shareholder approval for the reorganization. Under the proposed reorganization, applicant would sell substantially all of its assets and liabilities to USF&G Cash Reserve Fund (the "Acquiring Fund"), a separate series of USF&G Money Market Funds, Inc. (the "Acquiring Company").

3. The investment adviser to applicant and the investment adviser to the Acquiring Fund is under common control of USF&G Corporation. USF&G Corporation and its affiliates owned at least 5% of applicant and, prior to the reorganization, owned all of the outstanding shares of the Acquiring Fund. Because of these relationships, applicant and the Acquiring Fund were affiliated persons. Section 17(a) generally prohibits the purchase and sale of securities or other property between an investment company and its affiliated persons. Because applicant and the Acquiring Fund were affiliated by a reason other than having a common investment adviser, applicant was unable to rely on rule 17a-8 under the 1940 Act, which provides relief from section 17(a) for the sale of substantially all of an investment company's assets to certain affiliated investment companies. Therefore, on July 20, 1990, applicant filed an application under section 17(b) of the 1940 Act for an order exempting applicant from the provisions of section 17(a) of the Act to the extent necessary to implement the reorganization. A notice of the filing of this application was issued on September 27, 1990 (Investment Company Act Release No. 17762) and an order granting the exemption was issued on October 25, 1990 (Investment Company Act Release No. 17821).

4. On September 13, 1990, applicant's board of directors approved a final plan of reorganization and called for consideration of the plan at a special meeting of shareholders held on October 31, 1990. On September 24, 1990, applicant filed definitive proxy materials with the Commission and mailed these materials to shareholders on or about that same date. Applicant's shareholders approved the reorganization at the special meeting held on October 31, 1990.

5. Pursuant to the reorganization, applicant transferred substantially all of its assets and liabilities to the Acquiring Fund on October 31, 1990 in exchange for shares of the Acquiring Fund. The exchange was at relative net asset value as computed on October 31, 1990. On this date applicant also distributed *pro rata* to its shareholders the Acquiring Fund shares received in the exchange. No brokerage commissions were incurred in this reorganization.

6. All expenses of the reorganization were borne by USF&G Investment Services, Inc., the distributor of the Acquiring Company's shares.

7. On March 4, 1991, applicant filed Articles of Dissolution with the State Department of Assessments and Taxation of Maryland. Applicant was dissolved as a Maryland corporation on that date.

8. As of the date of the application, the applicant had no assets or debts and is not a party to any litigation or administrative proceeding. All liabilities and obligations not discharged by applicant as of October 31, 1990 were assumed by the Acquiring Fund.

9. Applicant is neither engaged in nor proposes to engage in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-12226 Filed 5-22-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18154; 811-2497]

Axe-Houghton Stock Fund, Inc.; Notice of Application

May 16, 1991.

AGENCY: Securities and Exchange Commission ("SEC" or "Commission").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 (the "1940 Act").

APPLICANT: Axe-Houghton Stock Fund, Inc.

RELEVANT 1940 ACT SECTION: Section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company under the 1940 Act.

FILING DATE: The application on Form N-8F was filed on May 10, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 13, 1991, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 400 Benedict Avenue, Tarrytown, NY 10591.

FOR FURTHER INFORMATION CONTACT: Felice R. Foundos, Staff Attorney, (202) 272-2190, or Jeremy N. Rubenstein, Branch Chief, (202) 272-3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is an open-end diversified management company organized as a corporation under the laws of the State of Maryland. On July 2, 1974, applicant registered under the 1940 Act as an investment company and filed a registration statement pursuant to section 8(b) of the 1940 Act. On approximately July 19, 1933, a predecessor of applicant filed a registration statement pursuant to the Securities Act of 1933. The registration statement became effective around August 8, 1933 and the initial public offering commenced immediately thereafter. Applicant became a successor to its predecessor's registration statement in 1974.

2. At a meeting held on July 11, 1990, applicant's board of directors approved a proposal to reorganize applicant and authorized the preparation of proxy materials to solicit shareholder approval of the reorganization. Under the proposed reorganization, applicant would sell substantially all of its assets and liabilities to Axe-Houghton Growth Fund (the "Acquiring Fund"), a separate series of Axe-Houghton Funds, Inc. (the "Acquiring Company").

3. The investment adviser to applicant and the Acquiring Fund is under common control of USF&G Corporation. USF&G Corporation and its affiliates owned at least 5% of applicant and, prior to the reorganization, owned all of the outstanding shares of the Acquiring Fund. Because of these relationships, applicant and the Acquiring Fund were affiliated persons. Section 17(a) generally prohibits the purchase and sale of securities or other property between an investment company and its affiliated persons. Because applicant and the Acquiring Fund were affiliated by a reason other than having a common investment adviser, applicant was unable to rely on rule 17a-8 under the 1940 Act, which provides relief from section 17(a) for the sale of substantially all of an investment company's assets to certain affiliated investment companies. Therefore, on July 20, 1990 applicant filed an application under section 17(b) of the 1940 Act for an order exempting applicant from the provisions of section 17(a) of the Act to the extent necessary to implement the reorganization. A notice of the filing of this application was issued on September 27, 1990 (Investment Company Act Release No. 17762) and an order granting the exemption was issued on October 25, 1990 (Investment Company Act Release No. 17821).

4. On September 13, 1990, applicant's board of directors approved a final plan of reorganization and called for consideration of the plan at a special meeting of shareholders held on October 31, 1990. On September 24, 1990, applicant filed definitive proxy materials with the Commission and mailed these materials to shareholders on or about that same date. Applicant's shareholders approved the reorganization at the special meeting held on October 31, 1990.

5. Pursuant to the reorganization, applicant transferred substantially all of its assets and liabilities to the Acquiring Fund on October 31, 1990 in exchange for shares of the Acquiring Fund. The exchange of assets for shares was at relative net asset value as computed on October 31, 1990. On this date applicant also distributed *pro rata* to its shareholders the Acquiring Fund shares received in the exchange. No brokerage commissions were incurred in this reorganization.

6. All expenses of the reorganization were borne by USF&G Investment Services, Inc., the distributor of the Acquiring Company's shares.

7. On March 4, 1991, applicant filed Articles of Dissolution with the State Department of Assessments and Taxation of Maryland. Applicant was dissolved as a Maryland corporation on that date.

8. As of the date of the application, the applicant had no assets or debts. All liabilities and obligations not discharged by applicant as of October 31, 1990 were assumed by the Acquiring Fund.

9. Applicant has filed petitions with the Pennsylvania Department of Revenue, Board of Finance and Revenue disputing claims made by this department for franchise taxes allegedly due for tax years 1988 and 1989. Any additional tax liability resulting from this dispute will be paid by the Acquiring Fund.

10. Applicant is neither engaged in nor proposes to engage in any business activities other than those necessary for the winding up of its affairs.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-12227 Filed 5-22-91; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-18152; 811-4545]

Bankers Systems Granit Fixed Income Fund, Inc.; Notice of Deregistration

May 16, 1991.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 ("1940 Act").

APPLICANT: Bankers Systems Granit Fixed Income Fund, Inc.

RELEVANT 1940 ACT SECTIONS: Section 8(f) and rule 8f-1 thereunder.

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application, filed on October 19, 1989, was placed on inactive status on July 6, 1990. Amendments to the application were filed on December 13, 1990 and April 18, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 10, 1991, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reasons for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549. Applicant, 100 South Fifth Street, suite 2200, Minneapolis, MN 55402.

FOR FURTHER INFORMATION CONTACT: Marc Duffy, Staff Attorney, (202) 272-2511, or Max Berueffy, Branch Chief, (202) 272-3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a diversified open-end management company incorporated under the laws of Minnesota. Applicant filed its initial registration statement pursuant to section 8(b) of the 1940 Act on February 15, 1985, registering an indefinite number of shares of its common stock under the Securities Act of 1933. Applicant's registration statement became effective and its initial public offering commenced on May 16, 1985.

2. On January 19, 1989, Applicant's Board of Directors approved an Agreement and Plan of Reorganization (the "Plan") between Applicant and Bankers Systems Granit Government Securities Fund, Inc. (now named Voyageur Government Securities Fund, Inc.) (File No. 811-4239) ("Government Securities Fund"). The Plan provided for (a) the acquisition by Government Securities Fund of all or substantially all the assets of Applicant in exchange for shares of Government Securities Fund, (b) the dissolution and liquidation of Applicant and the pro rata distribution by Applicant to its shareholders of all its holdings of Government Securities Fund shares, and (c) the termination of Applicant's registration as an investment company under the 1940 Act.

3. On May 11, 1989, a majority of Applicant's shareholders approved the Plan. In connection with the shareholder meeting, on March 6, 1989, Government Securities Fund filed a Registration Statement on Form N-14, which included a Notice of Special Meeting of Shareholders of Applicant and a Prospectus and Proxy Statement (the "Proxy Statement") dated April 5, 1989, related to the Plan. The Proxy Statement was filed with the SEC on April 24, 1989, and mailed to shareholders prior to the shareholder meeting.

4. Pursuant to the Plan, on June 28, 1989 (the "Closing Date"), Applicant transferred all of its assets to Government Securities Fund in exchange for shares of Government Securities Fund of equal value. The value of Applicant's assets and of Government Securities Fund's shares were determined as of the close of business on June 27, 1989 (the "Valuation Date"). On the Valuation Date, Applicant had 178,121.246 shares outstanding with a net asset value of $10.03 per share. In exchange for its assets, Applicant received 175,324.455 shares of Government Securities Fund with a net asset value of $10.19 per share. The shares of Government Securities Fund received by Applicant were distributed pro rata to Applicant's shareholders on the Closing Date, in complete liquidation of Applicant.

5. Applicant and Government Securities Fund incurred expenses of $100,404 in connection with the completion of the Plan. Applicant's expenses were reimbursed to Applicant by Voyageur Fund Managers and Voyageur Fund Distributors, Inc., the investment adviser and underwriter, respectively, of Government Securities Fund.

6. At the time of filing of the application, Applicant had no shareholders, assets or liabilities. Applicant is not a party to any litigation or administrative proceedings. Applicant is not engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs. On October 19, 1989 Applicant filed Articles of Dissolution with the Secretary of State of the State of Minnesota, which became effective upon filing.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91-12228 Filed 5-22-91; 8:45am]

BILLING CODE 8010-01-M

[Rel. No. IC-18151; 811-4221]

Bankers Systems Granit Stock Fund, Inc.; Notice of Deregistration

May 16, 1991.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of application for deregistration under the Investment Company Act of 1940 ("1940 Act").

APPLICANT: Bankers Systems Granit Stock Fund, Inc.

RELEVANT 1940 ACT SECTIONS: Section 8(f) and rule 8f-1 thereunder.

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company.

FILING DATE: The application, filed on October 19, 1989, was placed on inactive status on July 6, 1990. Amendments to the application were filed on December 13, 1990 and April 18, 1991.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on June 10, 1991, and should be accompanied by proof of service on the Applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street NW, Washington, DC 20549. Applicant, 100 South Fifth Street, suite 2200, Minneapolis, MN 55402.

FOR FURTHER INFORMATION CONTACT: Marc Duffy, Staff Attorney, (202) 272–2511, or Max Berueffy, Branch Chief, (202) 272–3016 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch.

Applicant's Representations

1. Applicant is a diversified open-end management company incorporated under the laws of Minnesota. Applicant filed its initial registration statement pursuant to section 8(b) of the 1940 Act on February 4, 1985, registering an indefinite number of shares of its common stock under the Securities Act of 1933. Applicant's registration statement became effective and its initial public offering commenced on May 16, 1985.

2. On January 19, 1989, Applicant's Board of Directors approved an Agreement and Plan of Reorganization (the "Plan") between Applicant and Bankers Systems Granit Growth Stock Fund, Inc. (now named Voyageur Growth Fund, Inc.) (File No. 811–4547) ("Growth Stock Fund"). The Plan provided for (a) the acquisition by Growth Stock Fund of all or substantially all the assets of Applicant in exchange for shares of Growth Stock Fund, (b) the dissolution and liquidation of Applicant and the pro rata distribution by Applicant to its shareholders of all its holdings of Growth Stock Fund shares, and (c) the termination of Applicant's registration as an investment company under the 1940 Act.

3. On May 11, 1989, a majority of Applicant's shareholders approved the Plan. In connection with the shareholder meeting, on March 6, 1989, Growth Stock Fund filed a Registration Statement on Form N–14, which included a Notice of Special Meeting of Shareholders of Applicant and a Prospectus and Proxy Statement (the "Proxy Statement") dated April 5, 1989, related to the Plan. The Proxy Statement was filed with the SEC on April 24, 1989, and mailed to shareholders prior to the shareholder meeting.

4. Pursuant to the Plan, on June 28, 1989 (the "Closing Date"), Applicant transferred all of its assets to Growth Stock Fund in exchange for shares of Growth Stock Fund of equal value. The value of Applicant's assets and of Growth Stock Fund's shares were determined as of the close of business on June 27, 1989 (the "Valuation Date"). On the Valuation Date, Applicant had 158,255.686 shares outstanding with a net asset value of $14.28 per share. In exchange for its assets, Applicant received 114,948.697 shares of Growth Stock Fund with a net asset value of $19.66 per share. The shares of Growth Stock Fund received by Applicant were distributed pro rata to Applicant's shareholders on the Closing Date, in complete liquidation of Applicant.

5. Applicant and Growth Stock Fund incurred expenses of $100,404 in connection with the completion of the Plan. Applicant's expenses were reimbursed to Applicant by Voyageur Fund Managers and Voyageur Fund Distributors, Inc., the investment adviser and underwriter, respectively, of Growth Stock Fund.

6. At the time of filing of the application, Applicant had no shareholders, assets or liabilities. Applicant is not a party to any litigation or administrative proceedings. Applicant is not engaged in, nor does it propose to engage in, any business activities other than those necessary for the winding up of its affairs. On October 19, 1989 Applicant filed Articles of Dissolution with the Secretary of State of the State of Minnesota, which became effective upon filing.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 91–12229 Filed 5–22–91; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Region IX Regional Advisory Council Meeting; Public Meeting

The U.S. Small Business Administration Region IX Advisory Council, located in the geographical area of San Francisco, will hold a public meeting at 10 a.m. on Thursday, May 30, 1991, at the Sacramento Commercial Bank, Conference Room, 525 "J" Street, Sacramento, California, to discuss such matters as may be presented by members, staff of the U.S. Small Business Administration, or others present.

For further information, write or call Michael R. Howland, District Director, U.S. Small Business Administration, San Francisco District Office, 211 Main Street, 4th Floor, San Francisco, California 94105–1988, telephone (415) 744–6801.

Dated: May 16, 1991.

Jean M. Nowak,

Director, Office of Advisory Councils.

[FR Doc. 91–12190 Filed 5–22–91; 8:45 am]

BILLING CODE 8025–01–M

DEPARTMENT OF STATE

Bureau of Diplomatic Security

[Public Notice 1400]

Anti-Terrorism Assistance Training

In accordance with Office of Management and Budget Circular No. A–102, dated March 11, 1988, the Department of State hereby gives notice of intention to continue a cooperative agreement for purposes of facilitating the accomplishment of the objectives of the Foreign Assistance Act of 1961, as codified at 22 U.S.C. 2349aa, et seq. Under this authority, the Department of State provides assistance to foreign law enforcement personnel to enhance their ability to deter terrorists and terrorist groups from engaging in international terrorist acts. In the implementation of this legislation, a cooperative agreement has been in effect with the Louisiana State Police to provide facilities, instruction and logistical support for training. The existing cooperative agreement expires on June 30, 1991.

The Department is now in the process of developing specification and scope of work for a competitive solicitation leading to a contract for these services. It is estimated that this contract will be awarded by October 1, 1991. The Department of State therefore gives this notice of intention to continue, as an interim measure, a cooperative agreement with the Louisiana State Police which will be effective until the contractual arrangements are completed. While the agreement will be executed for one year, funding will be incremental, and fourth quarter fiscal year 1991 funding is estimated at $750,000. This agreement will be terminated upon execution of the contract.

Public comment on this intended action may be submitted within 20 days after the date of the **Federal Register** in which this notice appears, addressed to Rudy G. Hall, U.S. Department of State, DS/ASD, P.O. Box 3590, Washington, DC 20007–0090. Telephone (202) 663–0049.

Dated: May 14, 1991.

Rudy G. Hall,

Chief, Administrative Services Division, Bureau of Diplomatic Security.

[FR Doc. 91-12214 Filed 5-22-91; 8:45 am]

BILLING CODE 4710-10-M

[Public Notice 1399]

Ad Hoc Group on International Communications Development of the National Committee of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT); Meeting

The Department of State announces that the Ad Hoc Group on International Communications Development of the National Committee of the U.S. Organization for the International Telegraph and Telephone Consultative Committee (CCITT) will hold an open meeting June 28, 1991 at the Department of State, 2201 C Street, NW., Washington, DC in room 1408 commencing at 10 a.m.

The Ad Hoc Group on International Communications Development considers how the U.S. can help improve communications infrastructure in developing countries, particularly through the development programs of the International Telecommunication Union (ITU). The purpose of the meeting is to: Review the current status of the Center for Telecommunication Development (CTD) in light of the report of the High Level Committee of the ITU; discuss the future structure of the ITU's development function, including the Bureau for the Development of Telecommunications (BDT) and World and Regional Development Conferences; and, discuss the role of the United States in telecommunications development and its relationship with ITU development activities.

Members of the general public may attend the meeting and participate in discussions, subject to instructions from the Chairman. Admittance will be limited to the seating available. All attendees must use the C Street entrance. For security reasons, admission to the Department of State is controlled. Prior notification will facilitate clearance into the building. All those planning to attend should call 202 647-5230 well ahead of time and be prepared to provide day and month of birth and social security number.

Dated: May 9, 1991.

Earl S. Barbely,

Chairman, U.S. CCITT National Committee.

[FR Doc. 91-12215 Filed 5-22-91; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Admistration

Environmental Impact Statement: Route 92/I-880 Interchange Project, Hayward, Alameda County, CA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an Environmental Impact Statement will be prepared for a proposed highway project in Hayward, Alameda County, California.

FOR FURTHER INFORMATION CONTACT: Mr. C. Glenn Clinton, District Engineer, Federal Highway Administration, P.O. Box 1915, Sacramento, California 95812-1915. Telephone: 916/551-1314.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the California Department of Transportation (Caltrans), will prepare an environmental impact statement (EIS) for a proposal to improve State Route 92/I-880 Interchange in the City of Hayward in order to relive existing freeway congestion and to accommodate projected traffic volumes. The EIR/EIS will evaluate interchange improvements consisting of direct connectors for the State Route 92 Easbound to I-880 Northbound and I-880 Southbound to State Route 92 Westbound movements. These improvements will be compatible with other projects on State Route 92 and I-880 currently under study. Modifications to adjacent interchanges may be required, and will be considered in the preliminary engineering and environmental studies. These improvements are to be funded by voter-approved Measure B and Regional Measure 1 funds.

In addition to the above, the no-project alternative would also be evaluated.

The proposed scoping process includes the distribution of the Notice of Preparation to each responsible and trustee agency pursuant to the California Environmental Quality Act, publication of the notice of intent in the **Federal Register** and a scoping meeting to be held in the spring of 1991. This scoping meeting will be advertised in advance in local newspapers.

Public meetings will also be held during the course of the environmental studies to inform and receive input from the public. A draft environmental impact statement will be circulated for public and agency review and comment followed by a formal public hearing. Public notice will be given of the time and place of the meetings and hearing.

To ensure that the full range of issues related to this proposed action are addressed, and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address previously provided in this document.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding interogvernmental consultation of Federal Programs and activities apply to this program.)

Issued on: May 13, 1991.

Mr. C. Glenn Clinton,

District Engineer, Sacramento, California.

[FR Doc. 91-12249 Filed 5-22-91; 8:45 am]

BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Supplement to Department Circular—Public Debt Series—No. 16-91]

Treasury Bonds of May 2021

Washington, May 10, 1991.

The Secretary announced on May 9, 1991, that the interest rate on the bonds designated bonds of May 2021, described in Department Circular—Public Debt Series—No. 16-91 dated May 2, 1991, will be 8⅛ percent. Interest on the bonds will be payable at the rate of 8⅛ percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 91-12217 Filed 5-22-91; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular—Public Debt Series—No. 15-91]

Treasury Notes, Series B-2001

May 9, 1991

The Secretary announced on May 8, 1991, that the interest rate on the notes designated Series B-2001, described in Department Circular—Public Debt Series—No. 15-91, dated May 2, 1991, will be 8 percent. Interest on the notes will be payable at the rate of 8 percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 91-12219 Filed 5-22-91; 8:45 am]

BILLING CODE 4810-40-M

[Supplement to Department Circular—Public Debt Series—No. 14-91]

Treasury Notes, Series S-1994

May 8, 1991.

The Secretary announced on May 7, 1991, that the interest rate on the notes designated Series S-1994, described in Department Circular—Public Debt Series—No. 14-91 dated May 2, 1991, will be 7 percent. Interest on the notes will be payable at the rate of 7 percent per annum.

Gerald Murphy,

Fiscal Assistant Secretary.

[FR Doc. 91-12218 Filed 5-22-91; 8:45 am]

BILLING CODE 4810-40-M

Corrections

Federal Register
Vol. 56, No. 100
Thursday, May 23, 1991

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 12

Highly Erodible Land and Wetland Conservation

Correction

In rule document 91-9146 beginning on page 18630 in the issue of Tuesday, April 23, 1991, make the following corrections:

§ 12.1 [Corrected]

On page 18635, in the third column, in § 12.1(a), in the eighth line, "eligible" should read "ineligible".

§ 12.5 [Corrected]

On page 18638, in the second column, in § 12.5(b)(6)(i), in the second line, "eligible" should read "ineligible".

BILLING CODE 1505-01-D

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 907 and 908

[Docket No. FV-91-249]

Navel Oranges Grown in Arizona and Designated Part of California; Valencia Oranges Grown in Arizona and Designated Part of California; Amendment to Referenda Order

Correction

In proposed rule document 91-11561 beginning on page 22364 in the issue of Wednesday, May 15, 1991, make the following correction:

On page 22365, in the first column, under **DATES**, in the fourth line, after "oranges" insert ", and from February 1, 1990, through January 31, 1991, for Valencia oranges."

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

International Trade Administration

National Institute of Standards and Technology, et al.; Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

Correction

In notice document 91-11553 beginning on page 22395 in the issue of Wednesday, May 15, 1991, in the third column, in the paragraph for *Docket Number:* 90-183, in the 11th line, "1.0pA to 10.0pA" should read, "1.0pA to 10.0μA".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 646

[Docket No. 910507-1107]

Snapper-Grouper Fishery of the South Atlantic

Correction

In rule document 91-11295 beginning on page 21960 in the issue of Monday, May 13, 1991, make the following correction:

§ 646.24 [Corrected]

1. On page 21961, in the first column, in § 646.24(b), in third line from the bottom, "where" should read "were".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 685

[Docket No. 910489-1089]

Pelagic Fisheries of the Western Pacific Region

Correction

In rule document 91-9145 beginning on page 15842, in the issue of Thursday, April 18, 1991, make the following corrections:

On page 15843, in § 685.2, in the 3rd column, in the 2nd paragraph, in the 1st line "*zones*" should read "*zone*", and in the same paragraph, in the 11th line, "28°" should read "23°".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

Patent and Trademark Office

37 CFR Parts 1 and 2

[Docket No. 910373-1073]

RIN 0651-AA45

Revision of Patent and Trademark Fees

Correction

In proposed rule document 91-11223 beginning on page 21890 in the issue of Friday, May 10, 1991, make the following corrections:

1. On page 21892, in the first column, in the fifth paragraph, in the sixth line "(a)(2)(iii)" should read "(a)(2)(ii)".

§ 1.16 [Corrected]

2. On page 21896, in the first column, in § 1.16(c), in the third line, "30" should read "20".

3. On the same page, in the same column, in § 1.16(d), in the fifth line, "200.00" should read "100.00" and in the sixth line, "100.00" should read "200.00".

§ 1.19 [Corrected]

4. On page 21897, in the second column, in § 1.19(f), in the second line, after "States" insert "patent".

§ 1.20 [Corrected]

5. On page 21897, in the second column, in § 1.20(a), in the second line "application's" should read "applicant's".

§ 2.6 [Corrected]

6. On page 21901, in the first column, in § 2.6(a)(16), after "filing" insert "petition".

BILLING CODE 1505-01-D

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Parts 532, 550, and 551

RIN 3026-AE29

Pay Administration Under the Fair Labor Standards Act; Overtime Pay Provisions

Correction

In rule document 91-10552 beginning on page 20339 in the issue of Friday, May 3, 1991, make the following corrections:

1. On page 20339, in the third column, in the third paragraph, in the eighth line from the bottom of the paragraph, "500," should read "550,".

2. On page 20340, in the third column, in the third paragraph, in the third line, "not" should read "now".

§ 550.703 [Corrected]

3. On page 20343, in the third column, in § 550.703, in the last line, insert "other" after "any".

BILLING CODE 1505-01-D

POSTAL SERVICE

39 CFR Part 111

Nonmailability of Deceptive Solicitations

Correction

In rule document 91-10835, beginning on page 21304, in the issue of Wednesday, May 8, 1991, make the following correction:

On page 21305, under 123.422(c), in the second column, in the 15th line, "fact" should read "face".

BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Office of the Assistant Secretary (Domestic Finance)

17 CFR Part 403

Implementing Regulations for the Government Securities Act of 1986

Correction

In proposed rule document 91-8925 beginning on page 15529 in the issue of Wednesday, April 17, 1991, make the following corrections:

1. On page 15530, in the second column, under *A. Buy-ins for Fails to Receive*, in the first paragraph, in the tenth line, the paragraph citation should read, "240.15c3-3(d)(2)". In the same column, in the third line from the bottom, insert "due" after "difficult",

2. On page 15531, in the 2nd column, in the 1st paragraph, in the 15th line, the paragraph citation should read, "403.4(l)",

3. On page 15532, in the first column, in the ninth line, "requirements" should read, "requirement".

§ 403.1 [Corrected]

4. On the same page, in the second column, in § 403.1, the sixth line should read "(e)(2)-(3), (f)-(i), and (l), constitutes".

§ 403.4 [Corrected]

5. In the same column, in amendatory instruction number 3., in the third line "(1)" should read "(l)".

6. In the same column, in § 403.4(g), in the second line, the citation should read "§ 403.15c3-3(d)(2)".

7. In the same column, the second paragraph in § 403.4 now reading, "(1)" should read, "(l)".

BILLING CODE 1505-01-D

federal register

Thursday,
May 23, 1991

Part II

Department of Housing and Urban Development

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

Funding Availability for Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Housing-Federal Housing Commissioner

[Docket No. N-91-3237; FR-3013-N-01]

Funding Availability for Moderate Rehabilitation Program for Single Room Occupancy Dwellings for Homeless Individuals

AGENCY: Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

ACTION: Notice of funding availability for Fiscal Year 1991.

DATE: The deadline for receipt of applications is on August 21, 1991, for both Headquarters and the local HUD office covering the jurisdiction in which the project is located. Applications must be received by the close of business on the deadline date, which is 5:15 p.m. Eastern Daylight Savings Time for HUD Headquarters. Information on the time of official close of business for local HUD offices should be obtained directly from the respective HUD offices.

SUMMARY: This Notice of Funding Availability (NOFA) announces HUD's funding for the section 8 Moderate Rehabilitation Program for Single Room Occupancy (SRO) Dwellings for Homeless Individuals.

The Notice states the application, ranking, and selection procedures that will govern the use of the funds made available in Fiscal Year 1991 for use under this program.

FOR FURTHER INFORMATION CONTACT: Madeline Hastings, Moderate Rehabilitation Division, Room 6130, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20310, telephone (202) 755-4969. Hearing-or-speech-impaired individuals may call HUD's TDD number (202) 708-4594. (These telephone numbers are not toll-free numbers).

SUPPLEMENTARY INFORMATION: The information collection requirements contained in this rule have been submitted to the Office of Management and Budget (OMB) for review under the Paperwork Reduction Act of 1980 and have been assigned OMB control number 2502-0367.

Purpose and Substantive Description

The purpose of the section 8 Moderate Rehabilitation Program for Single Room Occupancy (SRO) Dwellings for homeless individuals is to provide rental assistance to homeless individuals in rehabilitated SRO housing. The assistance is in the form of rental assistance under the Section 8 Housing Assistance Payments Program. These payments equal the rent for the unit, including utilities, minus the portion of the rent payable by the tenant under the U.S. Housing Act of 1937. HUD will make the assistance available for 10 years.

Under the program as originally enacted, HUD enters into annual contributions contracts (ACCs) with public housing agencies (PHAs) in connection with the moderate rehabilitation of residential properties in which some or all of the dwelling units may not contain either food preparation or sanitary facilities. Each of these single room occupancy (SRO) units is intended for occupancy by one eligible homeless individual.

The Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401) requires that first priority for occupancy of SRO Moderate Rehabilitation units shall be given to homeless individuals. This requirement, however, is not meant to eliminate the rights of current tenants to remain in the building after it is rehabilitated. Due to limited resources and considerations of relative need, HUD will only accept, for this funding round, applications that propose assistance for people (described below) who are not currently residing in the building, and for individuals eligible for section 8 who are currently residing in the building. Nonresident applicants must be individuals who: (1) Lack the resources to obtain housing and who (a) have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings (b) have a primary nighttime residence that is a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing but excluding prisons and other detention facilities); or (c) are at imminent risk of homelessness because they face immediate eviction and have been unable to identify a subsequent residence, which would result in emergency shelter placement; or (2) handicapped persons who are about to be released from an institution and are at risk of imminent homelessness because no subsequent residences have been identified and because they lack the resources and support networks needed to obtain access to decent housing. Applications will not be accepted under this funding round that propose assistance for individuals not residing in the building who are currently housed in overcrowded or substandard conditions but are not at imminent risk of becoming homeless for the reasons described in the previous sentence.

(a) Authority and Other Information

This program is authorized by section 441 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401), amended by the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100-628, approved November 7, 1988). On November 7, 1989, the Department published a final rule at 54 FR 46828, which sets forth at 24 CFR part 882, subpart H, the regulations for this program. The funds made available under this Notice are subject to these regulations.

Prior Notices and Fund Availability were published in Fiscal Years 1988, 1989, and 1990. The requirements of this Notice only apply to funds made available in Fiscal year 1991 under Section 441 of the Stewart B. McKinney Homeless Assistance Act. (The Fiscal Years 1988, 1989, and 1990 Notices continue in effect for the funds made available under section 441 for those Fiscal Years.)

Availability of Tax Credit

The Omnibus Revenue Reconciliation Act of 1990 (Pub. L. 101-508, Approved November 5, 1990) Amended the Low Income Housing Tax Credit (LIHTC) (26 U.S.C. 42) to permit the use of Moderate Rehabilitation assistance in conjunction with the LIHTC if the assistance is being provided under the Stewart B. McKinney Homeless Assistance Act. The Department will review all SRO projects using the LIHTC to determine whether the level of housing assistance proposed for the project is appropriate when combined with the LIHTC.

Cost Limit

Under the Stewart B. McKinney Homeless Assistance Amendments of 1988 (Pub. L. 100-628, approved November 7, 1988), HUD is required to increase the SRO per unit rehabilitation cost limit each year to take into account increases in construction costs, starting with assistance provided on or after October 1, 1988. For purposes of Fiscal Year 1991 funding, the cost limitation is raised from $14,600 to $15,000 per unit to take into account increases in construction costs during the past 12-month period. This amendment is made in accordance with 24 CFR 882.805(g), Initial contract rents.

Indian Housing Authority (IHA) Participation

Under section 835 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101–625, Approved November 28, 1990), an Indian Housing Authority may apply for the Moderate Rehabilitation SRO Program.

PHA–Owned Units

Section 548 of the Cranston-Gonzalez National Affordable Housing Act (Pub. L. 101–625, approved November 28, 1990) provides that a PHA may contract to make assistance payments to itself as the owner of dwelling units under the section 8 programs. The PHA must be subject to the same program requirements as are applied to other owners. This provision removes the statutory prohibition against section 8 assistance for units owned by the PHA which administers assistance under the ACC. However, the Department has determined that PHAs will not be authorized to enter Housing Assistance Payments (HAP) Contracts for PHA-owned units before the issuance of final regulations specifying the administrative requirements for PHA owned section 8 units. 24 CFR 882.803(a)(2)(ii), which provides that units owned by the PHA administering the SRO program are not eligible for assistance under the SRO program, remains in effect. The Department does not anticipate issuance of final regulations under section 548 in time for the Fiscal year 1991 funding round for the SRO program. Thus, units owned by the administering PHA may not be selected or funded this round.

(b) Allocation Amounts

Approximately $105 million was appropriated for the program by the Department of Veterans Affairs and Housing and Urban Development-Independent Agencies Appropriations Act, 1991 (Pub. L. 101–507, approved November 5, 1990). HUD estimates that this $105 million will assist approximately 2,700 units over the 10-year period. From this amount, approximately $1 million has been awarded to the Richmond Redevelopment and Housing Authority. This application ranked high enough in the Fiscal year 1990 round and should have been funded. However, the application was not funded because of an error made by the Department. Therefore, funds for the Richmond SRO project are being made available from FY 1991 appropriations. Thus, the amount available for the FY 1991 national competition is approximately $104 million. The statutory national competition procedures established for the program by section 441 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11401) apply, rather than the "fair share" allocation procedures required for most assisted housing funds by section 213(d) of the Housing and Community Development Act of 1974, (42 U.S.C. 1439(d)).

(c) Eligibility

Interested PHAs including IHAs, are invited to submit applications for this program. Under this program, HUD will provide assistance for a 10-year period of selected PHAs.

(d) Selection Criteria/Ranking Factors

1. *Initial Screening.* Applications will be reviewed by both HUD Headquarters and by HUD field offices. Field offices will be responsible for making review comments, but all selections will be made by Headquarters. To be considered for ranking and possible selection, applications must meet certain threshold requirements. The threshold review, which will apply to all applications, will determine whether the application is adequate in form, timeliness, and completeness, and whether the project is eligible to participate in the program. HUD will base its assessment on which applicants best demonstrate a need for the assistance and on their ability to undertake and carry out the program to be assisted.

2. *Environmental Review Requirements.* When ranking applications, HUD will complete environmental reviews required under 24 CFR Part 50 on all applications. HUD may elect to eliminate a proposal from consideration where the application would require an Environmental Impact Statement, or the time necessary for the completion of the review process under an environmental law for structures identified in a particular application would make it difficult for the property to be rehabilitated and occupied within a reasonable period. In order to assist HUD in the timely completion of the Historic Preservation Review process, the applicant may contact the State Historic Preservation Office (SHPO) to determine if the proposed structure(s) requires Historic Preservation clearance. If Historic Preservation clearance is required, there should be early coordination (if possible, before the application deadline) with the HUD field office to provide all the necessary information required by the SHPO.

3. *Ranking.* Except for proposals eliminated for the above-mentioned environmental reasons, HUD will rank all applications from PHAs that contain all items required by 24 CFR 882.805(c) of the program regulations and the application package described in part II of this NOFA that are received by the deadline date. Each application will be ranked based upon HUD's assessment of the ranking factors listed below. Each factor indicates the maximum number of points that may be assigned for that factor. Points may be awarded up to the maximum number allotted for each factor.

(a) The need for assistance, as demonstrated by the PHA's analysis of the size and characteristics of the population to be served and by the thoroughness of the analysis of the need presented and (10 points)

(b) The PHA's ability to undertake and carry out the program within the schedule proposed by the PHA, as demonstrated by:

(i) Whether the preliminary feasibility analysis clearly demonstrates that it appears likely that the proposed structure will be feasible within the Fair Market Rent (15 points)

(ii) Whether there is evidence of site control or other evidence that the site will be available for rehabilitation in accordance with the PHA's schedule (10 points)

(iii) The percentage of units proposed for assistance which are vacant (rehabilitation of vacant units generally will result in more units becoming available for the homeless; therefore, applications where all units to be assisted are vacant will be given the full 10 points for this criterion.) (10 points)

No person shall be displaced (as defined in 24 CFR 882.803(d)(2)(i)) from a dwelling for an assisted project. In addition to applicable sanctions under the agreement, a violation of this policy may trigger a requirement to provide relocation assistance at the levels described in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, implementing regulation at 49 CFR part 24, and HUD Handbook 1378, Tenant Assistance, Relocation and Real Property Acquisition. Persons whose occupancy is terminated through a notice to vacate or the refusal to renew a lease in order to provide a vacant unit for the project qualify as "displaced persons" who are eligible for assistance.

(iv) Whether it appears feasible, based on assessments of the capabilities of the PHA and the Owner, that the PHA and Owner will complete all steps necessary so that the HAP Contract may be executed within 12 months of execution of the ACC; and whether basic program requirements are met (5 points)

(v) Whether the PHA has specified the resources available to provide necessary supportive services, targeted to the needs of the single homeless population identified, including the strength and length of the commitments to provide those resources and the methods by which the population to be served will be sought out and informed of the availability of assistance (20 points)

(vi) The availability of financing, both assisted and unassisted, as demonstrated by statements of intent or commitments from lenders, with the awarding of more points where the lender is legally committed to provide the financing and documented assisted financing availability (e.g., below market interest subsidies, grants). (10 points) and

(vii) The PHA's experience with, or demonstrated ability to operate rehabilitation programs, including past performance in placing Moderate Rehabilitation units under Agreement and Contract; the PHA's experience in working with homeless people; and the PHA's overall administrative capability, as evaluated by the HUD Field Office. (e.g., results of reviews or audits of PHA performance or Field Office's most recent monitoring letter concerning the PHA's ability to carry out its Equal Opportunity Housing Plan). (20 points)

3. *Selection of Applications.* (a) HUD will select the highest ranking applications. However, no city or urban county may have projects receiving a total of more than 10 percent of the assistance to be provided under this program this fiscal year. In FY '91, this limit equals approximately $10,400,000 in budget authority for a city or urban county, which is the equivalent of up to $1,040,000 in administratively controlled contract authority per year. HUD anticipates that this will fund a maximum of approximately 270 units for any one city or urban county. In addition, no single proposal shall receive assistance for more than 100 units.

(b) HUD will notify each PHA whether or not its application has been selected.

II. Application Process

1. *Where to Obtain Application Package.* An application package containing all required forms and exhibits, detailed application instructions, and pertinent program guidance may be obtained from either HUD Headquarters (Moderate Rehabilitation Division, telephone (202) 755–4969) or the HUD field offices listed in Appendix A. Each prospective applicant should obtain and carefully review an application package before preparing an application for submission to HUD.

2. *Deadline for Applications.* The deadline for receipt of applications is on August 21, 1991 for both Headquarters and the local HUD office covering the jurisdiction in which the project is located. Applications must be received by the close of business on the deadline date, which is 5:15 p.m. Eastern Daylight Savings Time for HUD Headquarters. Information on the time of official close of business for local HUD offices should be obtained directly from the respective HUD offices.

HUD will reject any application(s) and supplemental information received at the Washington, DC. address after the deadline. Only applications received by HUD by the deadline will be eligible for consideration. However, technical deficiencies may be corrected in accordance with part IV of this NOFA.

3. *Where to Submit Applications.* Applications must be submitted to HUD Headquarters and to the appropriate HUD field office for the jurisdiction of the submitting PHA. Applications submitted to Headquarters shall be addressed to Madeline Hastings, room 6130, Department of Housing and Urban Development, 451 Seventh Street SW., Washinton, DC 20410. The addresses, locations and telephone numbers of each local HUD office are included in Appendix A.

III. Checklist of Application Submission Requirements

The application must contain all items specified in the application package, and must be in accordance with instructions in the application package. An application may be obtained from HUD Headquarters or the appropriate field office in Appendix A and must include all of the following:

(1) Description of the size and characteristics of the homeless population.

(2) Description of supportive service plan and evidence of commitment or interest from service providers.

(3) Description of PHA's administrative capability, rehabilitation expertise, and experience with the homeless.

(4) A schedule for completion of all necessary steps of project development.

(5) Description of the site(s) proposed for assistance, including information on:

a. Site control and owner interest in participation

b. Proposed financing of rehabilitation work

c. Proposed rehabilitation

d. Number of vacant units

e. Preliminary financial feasibility, as demonstrated by appendix 31 rent calculation from Handbook 7420.3

f. Disclosure of Other Governmental Assistance

(6) The following certifications (fully described in the application package)

(a) Comprehensive Homeless Assistance Plan (CHAP) Certification

(b) Drug-Free Workplace Certification

(c) Anti-Lobbying Certification

(7) Section 213 Letter. Upon receipt of an application that does not include a section 213 letter from the chief executive officer of the unit of general local government, HUD shall send the application to the appropriate chief executive officer in accordance with 24 CFR part 791. Where the review and comment process required under 24 CFR part 791 has not been completed by the time HUD is ready to make its own selections, it may tentatively select one or more applications subject to completion of the comment process required under part 791.

IV. Correction to Technically Deficient Applications

Before the application deadline, both Headquarters and field office staff will be available to provide advice and guidance to potential applicants on application requirements and program policies. In order to provide applicants the opportunity to submit a ratable application, while at the same time ensuring the fairness and integrity of the selection process, HUD Headquarters will screen applications, for completeness and technical deficiencies, within 5 working days after the application deadline date. An application will be determined technically deficient if it contains all the items necessary for HUD review under the Selection Criteria/Ranking Factors but does not contain one or more of the following certifications listed in Section III of this NOFA.

1. Comprehensive Homeless Assistance Plan (CHAP) Certification

2. Drug-Free Workplace Certification

3. Anti-lobbying Certification

In cases where a certification(s) required by this rule is missing, the applicant will first be notified by telephone of the deficiency and then given 14 days from the date of written notification of the deficiency to submit the missing certification(s) necessary for completeness. The purpose of this process is to assist applicants in submitting ratable proposals and not to provide opportunity for an application to be substantively improved once the application deadline has passed. For this reason, HUD will contact applicants

only where it is clear that the deficiencies are technical in nature.

Section 102 of HUD Reform Act of 1989

On March 14, 1991, the Department published in the **Federal Register** a final rule to implement section 102 of the Department of Housing and Urban Development Reform Act of 1989 (24 CFR part 12, 56 FR 11032). Section 102 contains a number of provisions that are designed to ensure greater accountability and integrity in the provision of certain types of assistance administered by the Department.

The following should be noted regarding the relationship of the Section 8 Moderate Rehabilitation Program for SRO Dwellings to part 12:

1. Since HUD makes assistance under the program available on a competitive basis, HUD must:

—Ensure that documentation and other information regarding each application submitted to the Department are sufficient to indicate the basis upon which assistance was provided or denied. HUD must make this material available for public inspection for a five-year period. (§ 12.14(b)) HUD will provide further guidance on how this material may be accessed in a later Notice published in the **Federal Register**.

—Publish a Notice in the **Federal Register** at least quarterly indicating the recipients of the assistance. (§ 12.16(a))

2. If a PHA that receives assistance then makes the assistance available on a competitive basis to an owner, the PHA:

—Must ensure that documentation and other information regarding each application submitted to the PHA by an applicant are adequate to indicate the basis upon which assistance was provided or denied. The PHA must make this material available for public inspection for a five-year period. (§ 12.14(c))

—Must notify the public of the subrecipients that receive the assistance. (§ 12.16(b))

Sections 12.14(c) and 12.16(b) are not yet effective; their effectiveness will be announced in a later **Federal Register** Notice. The Notice will make the provisions applicable to all decisions made by a PHA regarding the assistance or on or after the effective date of the Notice. Accordingly, PHAs should be aware that publication of this subsequent Notice may make their future decisions to award or deny assistance subject to these provisions.

3. In accordance with Subpart C of the rule, PHAs that seek assistance under the program from HUD will have to make the disclosures required under § 12.32. An owner applying to a PHA will also have to make the disclosures.

Subpart C is not effective at this time; it will be made effective through later publication of a Notice in the **Federal Register**. PHAs and owners should be aware that publication of this subsequent Notice may make future applications to PHAs subject to its requirements.

Other Matters

Environmental Review. A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332. The Finding of No Significant Impact is available for public inspection weekdays from 7:30 a.m. to 5:30 p.m. in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street, SW. Washington, DC 20410.

Executive Order 12612, Federalism. The General Counsel, as the Designated Official under Section 6(a) of the Executive Order 12612, *Federalism*, has determined that the policies contained in this NOFA do not have federalism implications and, thus, are not subject to review under the Order. The NOFA makes available, pursuant to an authorizing statute and an appropriation Act, housing assistance for homeless individuals through a mechanism that is already established between HUD, the PHA, and the Owner under the Section 8 Housing Assistance Payments Program.

Executive Order 12606, the Family. The General Counsel, as the Designated Official under Executive Order 12606, the Family, has determined that this rule does not have a potential significant impact on family formation, maintenance, and general well-being, and, thus, is not subject to review under the Order. The purpose of the NOFA is to make available assistance for single room housing for homeless individuals.

Catalog of Federal Domestic Assistance. The Catalog of Federal Domestic Assistance Program number is 14.156, Lower Income Housing Assistance Program.

Authority: Secs. 401 and 441, Stewart B. McKinney Homeless Assistance Act, Pub. L. 100-77, approved July 22, 1987; secs. 481 and 485, Stewart B. McKinney Homeless Assistance Amendments Act of 1988, Pub. L. 100-628, approved November 7, 1988; sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: May 15, 1991.

Arthur J. Hill,

Assistant Secretary for Housing—Federal Housing Commissioner.

Appendix A—HUD Offices

Region I

Boston Regional Office

Boston Federal Office Building, 10 Causeway Street, Room 375, Boston, MA 02222-1092, (617) 565-5234

Hartford Office

330 Main Street, Hartford, CT 06103-2943, (203) 722-3638

Manchester Office

Norris Cotton Federal Building, 275 Chestnut Street, Manchester, NH 03101-2487, (603) 666-7681

Providence Office

John O. Pastore Federal Building and U.S. Post Office-Kennedy Plaza, Room 330, Providence, RI 02903, (401) 528-5351

Region II

New York Regional Office

26 Federal Plaza, Room 32130, New York, NY 10278-0068, (212) 264-8053

Buffalo Office

Statler Builder Messanine, 107 Delaware Avenue, Buffalo, NY 14202-2986, (716) 846-5755

Newark Office

Military Park Building, 60 Park Place, Newark, NJ 07102-5504, (202) 877-1662

Region III

Philadelphia Regional Office

Liberty Square Building, 105 S. 7th Street, Philadelphia, PA 19106-3392, (215) 597-2560

Baltimore Office

The Equitable Building, 10 North Calvert Street, 3rd Fl., Baltimore, MD 20202-1865, (301) 962-2121

Charleston Office

405 Capital Street, Suite 708, Charleston, WV 25301-1795, (304) 347-7000

Pittsburgh Office

412 Old Post Office Courthouse Building, 7th Avenue and Grant Street, Pittsburgh, PA 15219-1906

Richmond Office

701 East Franklin Street, Richmond, VA 23219-2591, (804) 771-2721

Washington, DC Office

820 First Street NE., Washington, DC 20002-4205, (202) 275-8185

Region IV

Atlanta Regional Office

Richard B. Russell Federal Building, 75 Spring Street SW., Atlanta, GA 30303-3388, (404) 331-5136

Birmingham Office

Daniel Building, 15 South 20th Street, Birmingham, AL 35233–2096, (205) 254–1617

Columbia Office

Strom Thurmond Federal Building, 1835–45 Assembly Street, Columbia, SC 29201–2480, (803) 765–5592

Greensboro Office

415 North Edgeworth Street, Greensboro, NC 27401–2107, (919) 333–3561

Jackson Office

Doctor A.H. McCoy, Federal Building, 100 W. Capitol Street, Suite 1096, Jackson, MS 39269–1069, (601) 965–4702

Jacksonville Office

325 West Adams Street, Jacksonville, FL 32202, (904) 971–2626

Knoxville Office

One Northshore Building, 1111 Northshore Drive, Knoxville, TN 37919–4090, (615) 558–1384

Caribbean Office

New San Juan Office Building, 159 Carlos E. Chardon Avenue, San Juan, PR 00918–1804, (809) 766–6121

Louisville Office

601 West Broadway, P.O. Box 1044, Louisville, KY 40201–1044, (502) 582–5251

Nashville Office

One Commerce Place, Suite 1600, Nashville, TN 37239–1600, (615) 736–5213

Region V

Chicago Regional Office

626 West Jackson Blvd., Chicago, IL 60606–5601, (312) 353–5680

Cincinnati Office

Federal Office Building, 550 Main Street, Room 9002, Cincinnati, OH 45202, (513) 684–2884

Cleveland Office

One Playhouse Square, 1375 Euclid Avenue, Room 420, Cleveland, OH 44114–1670, (216) 522–4065

Columbus Office

200 North High Street, Columbus, OH 43215–2499, (614) 469–7345

Detroit Office

McNamara Federal Building, 477 Michigan Avenue, Detroit, MI 48226–2592, (313) 226–7900

Grand Rapids Office

2922 Fuller Avenue NE., Grand Rapids, MI 49505–3409, (616) 456–2216

Indianapolis Office

151 North Delaware Street, P.O. Box 7047, Indianapolis, IN 46204–2526, (317) 269–6303

Milwaukee Office

Henry S. Reuss Federal Plaza, 310 West Wisconsin Avenue, Suite 1380, Milwaukee, WI 53203–2290, (414) 291–1493

Minneapolis-St. Paul Office

220 Second Street, South Minneapolis, MN 55401–2195, (612) 370–3000

Region VI

Fort Worth Regional Office

221 West Lancaster, P.O. Box 2905, Fort Worth, TX 76113–2905, (817) 885–5401

Houston Office

National Bank of Texas Building, 2211 Norfolk, Suite 300, Houston, TX 77098–4096, (713) 229–3950

Little Rock Office

Savers Building, 300 West Capitol, Suite 700, Little Rock, AR 72201, (501) 378–5931

New Orleans Office

1661 Canal Street, P.O. Box 70288, New Orleans, LA 70172, (504) 569–2300

Oklahoma City Office

Murrah Federal Building, 200 N.W. 5th Street, Oklahoma City, OK 73102–3202, (405) 231–4181

San Antonio Office

Washington Square Building, 800 Delorsa, P.O. Box 9163, San Antonio, TX 78207–4563, (512) 229–6781

Region VII

Kansas City Regional Office

Gateway Tower, II, Room 200, 400 State Avenue, Kansas City, KS 66101–2406, (913) 236–2100

Des Moines Office

Federal Building, 210 Walnut Street, Room 259, Des Moines Offices, IA 50309–2155,

Omaha Office

Braiker/Brandeis Building, 210 South 16th Street, Omaha, NE 68102–3703, (402) 221–3703

St. Louis Office

1222 Spruce, St. Louis, MO 63103–2836, (314) 539–6560

Region VIII

Denver Regional Office

Executive Tower Building, 1405 Curtis Street, Denver, CO 80202–2349, (303) 844–4513

Region IX

San Francisco Regional Office

Federal Building, 450 Golden Gate Avenue, P.O. Box 36003, San Francisco, CA 94102–3448, (415) 556–4752

Honolulu Office

300 Ala Moana Boulevard, Room 3318, Honolulu, HA 96850–4991, (808) 546–2136

Los Angeles Office

1615 W. Olympic Boulevard, Los Angeles, CA 90015–3801, (213) 251–7122

Phoenix Office

2 Arizona Center, 400 N. First Street, Suite 1600, Phoenix, AR 85004–2361, (602) 262–4434

Sacramento Office

777 12th Street, Suite 200, P.O. Box 1978, Sacramento, CA 95809–1978, (916) 551–1351

Region X

Seattle Regional Office

Arcade Plaza Building, 1321 Second Avenue, Seattle, WA 98101–2054, (206) 442–5414

Anchorage Office

701 C Street, Box 64, Module G, Anchorage, AL 99513–0001, (907) 271–4170

Portland Office

Cascade Building, 520 Southwest Sixth Avenue, Portland, OR 97204–1596, (503) 326–2561.

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federal register

Thursday
May 23, 1991

Part III

Environmental Protection Agency

40 CFR Part 73

Auctions, Direct Sales, and Independent Power Producers Written Guarantee Regulations; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 73

[FRL-3958-4]

RIN 2060-AD41

Auctions, Direct Sales, and Independent Power Producers Written Guarantee Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: Pursuant to title IV of the Clean Air Act as amended by Public Law 101-549, the Clean Air Act Amendments of 1990 ("the 1990 Amendments") ("the Act"), the Administrator must promulgate regulations to reduce emissions of sulfur dioxide (SO_2) and nitrogen oxides (NO_x), precursors of acid rain. The regulations proposed in this notice are part of the title IV program to reduce SO_2 emissions. The centerpiece of this control program is the allocation of transferable allowances, or authorizations to emit SO_2, which are distributed in limited quantities to existing utility units and which eventually must be held by all utility units to cover their SO_2 emissions. These allowances may be transferred among polluting sources, so that market forces may govern their ultimate use and distribution, resulting in the most cost-effective sharing of the emissions control burden. In order to stimulate and support such a market in allowances, and to provide a public source of allowances to new units for which no allowances are allocated, the Administrator is directed under section 416 of the Act to conduct annual sales and auctions of allowances. In this notice, EPA is proposing regulations for conducting these sales and auctions, as well as regulations under which certain independent power producers ("IPP") may obtain written guarantees of the availability of allowances and may exercise priority in purchasing allowances through the direct sale. EPA will hold a public hearing on this proposed rule on the date listed below.

DATES: Comments must be received on or before July 5, 1991. The public hearing will be held on Wednesday, June 5, 1991 from 9:30 a.m. to 11:30 a.m.

ADDRESSES: All written comments must be identified with the document control number "A-91-32" and be submitted in duplicate to: EPA Air Docket (LE-131), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

Comments received on this proposed rule will be available for reviewing and copying from 8:30 a.m. to 12 p.m. and 1:30 p.m. to 3:30 p.m., Monday through Friday, excluding legal holidays, in room M-1500, first floor, Waterside Mall, at the address given above.

The public hearing will be held at EPA at the address given above in the EPA Conference Center Room 1 North.

FOR FURTHER INFORMATION CONTACT: Linda Reidt Critchfied, EPA/OAIAP/Acid Rain Division (ANR-445), 401 M St., SW., Washington, DC 20460, (202) 382-7915.

SUPPLEMENTARY INFORMATION:

I. Authority

In order to carry out the auctions and sales provisions of section 416 of the Act, the Administrator of EPA is directed under section 416(b) to create a Special Allowance Reserve, by setting aside up to 2.8% of the allowances that would otherwise be allocated annually for existing utility sources of sulfur dioxide. The Administrator is then to use this Special Allowance Reserve to provide allowances for the auctions and sales programs. The Act requires the Administrator to promulgate regulations for conducting auctions by no later than November 15, 1991, which is 12 months after enactment of the 1990 Amendments (section 416(d)(2)). This is the earliest regulatory deadline required under section 416. EPA proposes to promulgate the direct sale and IPP written guarantee regulations at the same time as the auctions rule to complete most of the rule-making for section 416 of the Act. The Administrator is authorized to wait until 36 months after the date of enactment to propose regulations to create the Special Allowance Reserve and will propose these regulations at a later time, after various calculations for allowance allocations are more fully developed.

The regulations proposed today are to be subpart D of part 73; the remaining regulations required by the Act that will appear in this part will establish allowance allocations, the allowance tracking system, and the rules governing the trading of allowances. As required by the Act, EPA intends to promulgate these regulations no later than May 15, 1992, which is 18 months after the date of enactment.

The actual formulas and calculations for allowance allocations will be part of a separate rulemaking.

II. Background

Acid deposition occurs when emissions of sulfur dioxide (SO_2) and oxides of nitrogen are chemically transformed in the atmosphere into sulfuric and nitric acids and return to earth as precipitation such as rain, fog, or snow. Acid deposition damages lakes and harms forests and buildings. SO_2 emissions contribute to reduced visibility and are suspected of posing a threat to human health at current levels. Electric utilities emit approximately 20 million tons of SO_2 annually.

Title IV, which sets forth the acid rain control program of the 1990 Amendments, establishes a national cap on utility SO_2 emissions of 8.9 million tons per year (with the exception of certain additional emissions which are authorized through 2009). This cap will result in SO_2 emissions reductions of ten million tons from 1980 levels, which will be achieved in two phases. Phase I will begin in 1995 and mainly affects large, high-emitting coal-fired utility plants which are specifically listed in the statute. Phase II will begin in 2000 and affects virtually all utility units with output capacity greater than 25 megawatts, and new utility units of any size. In addition, SO_2 sources not explicitly affected by Phase II requirements (e.g., industrial facilities) may opt into the allowance trading program.

The centerpiece of the acid rain control program is an innovative system of marketable allowances. An allowance authorizes the emission of up to one ton of SO_2. The Act explicitly requires "affected" units (most units in operation prior to passage of The Act) to meet an annual sulfur dioxide emissions tonnage limitation expressed for each unit in the languge of title IV itself. At the same time, the Act requires the Administrator to allocate annually for each affected unit allowances to emit sulfur dioxide in an amount equal to the unit's statutory emissions limitation requirement. Once allowances are allocated, the Act requires that a unit's total annual SO_2 emissions be less than or equal to the number of allowances held for that unit. Allowances may be transferred to and from affected units and to and from any person. Allowances not used for compliance in the year in which they are allocated may be banked for future use. As a result, each unit may meet its SO_2 emissions limitation requirements by the most economically efficient means possible, either by selecting the most efficient method of controlling emissions or by purchasing allowances from other units that can reduce emissions more efficiently. In addition, the marketable value of allowances will create incentives for units to achieve greater reductions than required or to achieve reductions

through improved or innovative methods.

To maintain the total emissions cap, the Act requires new units (most units commencing operation after passage of the Act) to obtain allowances from existing allowance holders, or through the auctions and sales programs, which are the two methods the Act provides for the Administrator to make allowances available outside of the statutory allocations.

Because the availability of allowances is crucial to assure both the economic efficiency of the emissions limitation program and the addition of new electric generating capacity, title IV mandates that the Administrator hold yearly auctions and direct sales of allowances for a small portion (2.8 percent) of the total allowances required by the statute to be allocated each year. It also requires the Administrator to provide a written guarantee assuring priority for certain new IPPs in purchasing allowances in the direct sales. The auctions, sales, and IPP guarantee provisions of title IV should provide some certainty that units, including new IPPs, will have a public source of allowances beyond those which are allocated initially for existing units. In addition, the auctions are expected to help signal price information to the allowance market early in the regulatory program.

As proposed herein, EPA will sell allowances pursuant to section 416(d) at a once-a-year public auction, to be held no later than March 31 of each calendar year beginning in 1993. Each auction is required to include a fixed number of allowances prescribed by statute, and obtained from the Auction Subaccount of the Special Allowance Reserve, as set forth in section 416(d)(1). It may also include allowances offered for sale by private parties pursuant to section 416(d)(4), as well as allowances that are not sold in the direct sale program under section 416(c). The direct sale will begin on June 1 of each calendar year and continue until all available allowances are sold or until the last day on which allowances may be transferred for purposes of compliance (which will be specified in a separate rulemaking). Allowances will be offered for sale at $1500 each (and indexed yearly to inflation), a price fixed by the Act. Allowances not sold in an annual direct sale will be added to those auctioned in the following year. A crucial element of the direct sales program is the special priority afforded to certain IPPs. As required by the Act, the Administrator will guarantee these IPPs the right to purchase direct sale allowances before the allowances are offered to others. To qualify for the written guarantee, an IPP must meet certain criteria set forth in the Act and incorporated in the proposed regulation.

At a future date, EPA will propose and promulgate regulations establishing a Special Reserve of Allowances for the purpose of auctions, direct sales, and the IPP written guarantee. As required by section 416(b), those regulations will specify that the Administrator withhold from original allowance holders 2.8% of the total allowances to be allocated each year from 1995–1999 and 2.8% of the basic Phase II allowance allocation beginning in the year 2000. That reserve will comprise a subaccount for auctions of 150,000 allowances annually for Phase I and 200,000 allowances annually for Phase II and a subaccount for direct sales of 50,000 allowances for Phase II. The direct sale reserve will be subject to the IPP guarantee. (EPA interprets the conflict between the language of Section 416(d)(1), which states that the Phase II Auction Subaccount shall include 250,000 allowances, and the figures in table 2 of section 416(d)(2), which show the Phase II Auction Subaccount totaling 200,000, reflects a technical error in Section 416(d)(1); the correct amount is 200,000 allowances as indicated in Table 2.)

Table 1 below summarizes the standard auction and sales schedule required by section 416.

TABLE 1.—ALLOWANCES OFFERED AT AUCTIONS AND SALES

Year of purchase	Spot sale	Advance sale [1]	Spot auction	Advance auction [1]
1993	.....	25,000	[2] 50,000	100,000
1994	.....	25,000	[2] 50,000	100,000
1995	.....	25,000	50,000	100,000
1996	.....	25,000	150,000	100,000
1997	.....	25,000	150,000	100,000
1998	.....	25,000	150,000	100,000
1999	.....	25,000	150,000	100,000
2000 and after	25,000	25,000	100,000	100,000

[1] Not useable until 7 years after purchase.
[2] Not useable until 1995.

Although this proposed rule may imply that EPA will conduct the auctions and direct sale (including the IPP written guarantee program), section 416(f) of the Act authorizes the Administrator by delegation or contract to provide for the conduct of sales and auctions by other departments or agencies of the United States Government or by nongovernmental agencies, groups, or organizations. EPA is not yet ready to make the determination as to the managing agent, if any, for the conduct of the auctions and direct sale.

III. Auctions

The Administrator is required to sell allowances in yearly "spot" and "advance" auctions beginning in 1993 (Sec. 416(d)(2)). Allowances sold in spot auctions are usable for purposes of compliance in the year in which they are sold and at any time thereafter, except that allowances sold in 1993 and 1994 are not usable until 1995. Allowances sold in advance auctions are usable only beginning seven years after the year of purchase. Such advance-sale allowances are expected to help facilitate utilities' long-term planning by enabling them to secure allowances for future uses.

A. Timing of Annual Auctions

EPA proposes to hold the spot auction and the advance auction on the same day, no later than March 31st, in each calendar year beginning in 1993. This timing will allow those needing to acquire allowances, such as the operators of new IPP units, the opportunity to do so at an auction price before having to resort to buying allowances for $1,500 in the direct sale, which is proposed to follow the auctions. Holding auctions early in the year will also allow new and existing units time to plan for end-of-the year compliance. If utilities need to buy spot allowances for end-of-the year compliance, the direct sale can serve that purpose for those unable to purchase allowances in the private market.

The Act mandates that any unsold allowances from the direct sales must be transferred from the direct sale into the auction subaccount (sec. 416(c)(6)). Spot allowances transferred will be sold in the following year's spot auction. Advance allowances transferred from the advance sale, however, cannot be sold in the following year's advance auction because their compliance use date would be six-year advance when sold. EPA proposes that any advance sale allowances be transferred into the auction subaccount and be sold as spot allowances when the allowances become useable according to their compliance use dates.

B. Method of Allocation of Auctioned Allowances

The Act states that "allowances shall be *sold on the basis of bid price*, starting with the highest-priced bid and continuing until all allowances for sale at such auction have been allocated" (emphasis added) [Sec. 416(d)(2)]. EPA

interprets this provision to require that allowances be sold to successful bidders at the price of their respective bids (also referred to as a discriminative approach). As a result, the total proceeds of each auction, which are to be paid to the initial allowance-holders, will be greater than they would be if bidders were required to pay only the auction-clearing price (or lowest successful bid price) regardless of the stated price in their respective bids. This outcome appears to be consistent with the statutory requirement that allocation proceeds be transferred to original allowance-holders, and that the auction amounts to a forced sale of allowances otherwise allocated for existing units.

It has been argued that requiring all successful bidders to pay an auction-clearing price would enhance the auction's role of facilitating the private allowance market by sending a clearer price signal to the market. Even if this alternate approach were permissible under the plain language of the statute, a discriminative approach is just as likely to fulfill the auction's market-facilitating function. First, regardless of the variety of prices individual bidders will offer and be required to pay to purchase allowances, a single, auction-clearing price will necessarily be established in each auction assuming the supply of allowances offered is exceeded by the total demand of all bidders. In each auction, the Agency is compelled to identify, and the public will learn, all successful (and, as proposed, unsuccessful) bid prices, including the lowest successful bid price. In addition, the discriminating form of auction is easy for bidders to understand because it is the most familiar form.

Second, in each successive auction, bidders will inevitably price their bids as close to the auction-clearing price as possible (though later on, their bids may reflect solely their marginal costs of control). Consequently, the range of bid prices should become increasingly narrow with each successive auction. As a result, the effective difference between an auction-clearing price approach and a discriminative approach should be relatively narrow with respect to price signals transmitted to the market.

C. Auction Sales of Privately Held Allowances

1. Proposed Rule

The Act allows any person holding allowances to sell those allowances in auctions held by EPA (sec. 416(d)(4)), but requires that allowances from the auction subaccount must be sold before other offerings may be sold. Unlike EPA, other allowance holders may specify a minimum price for the allowances they offer. Subject to these two statutory directives, EPA proposes to treat allowances offered from others as part of the total annual supply of allowances for sale in each auction held by EPA with only allowances allocated for the year of the auction (or allowances banked from previous years' allocations) and seven-year-advance allowances offered.

Allowance holders seeking to sell allowances through this combined auction held by EPA must notify EPA fifteen business days prior to the auction using the SO_2 Allowance Contribution Form published by EPA or by means of electronic communication, which EPA, following public notice, may require or permit at some future time. The notification must state the compliance use date of the allowances offered, the number of allowances to be sold at the specified minimum price (if any), and any other information identifying the allowances offered that may be required by the allowance tracking system regulations, which will be promulgated at a later date. After notification, EPA will deduct the allowances offered from the owner's accounts. EPA will transfer the proceeds from the sale of private allowances to the seller within 90 days after the auction.

All bids to the auctions will be ranked from highest to lowest on the basis of bid price. EPA will allocate and sell all the allowances in the auction subaccount on the basis of this ranking; when all such allowances are sold, EPA will match contributed allowances offered for sale with any remaining bids. Specifically, EPA proposes to match the offer to sell that stipulates the lowest minimum price with the highest remaining bid. This matching process will continue in ascending order of specified minimum price until all bids are awarded or allowances are consumed, or until EPA can no longer match bids with allowances because sellers have set their minimum price higher than any remaining bids.

The matching process is consistent with a policy of rewarding the seller who can provide compliance at the lowest cost. Selling private allowances as a continuation of the auctions held by EPA enhances the likelihood that buyers will be able to secure allowances through the auctions as well as maintains simplicity for would-be buyers.

Some commenters believe that such a system may provide incentives for holders of allowances to specify lower minimum prices for allowances than they would be willing to accept in order to be matched to higher bids. While it is possible that such strategies may be considered, this strategy would be risky, since the allowances from the auction subaccount which have no minimum price, are auctioned first. Depending on the number of prices of bids, offerors with lower minimum prices could find themselves unwilling sellers at the (understated) minimum offering price.

One option to counteract such a tendency is to allocate contributed allowances based on a clearing price established in the second half of the auction, which would remove any offeror's incentive to falsely state a low minimum price. EPA believes, however, that it would be inappropriate to conduct each portion of the joint auction differently, and believes that the discriminatory auction is more appropriate for the reasons discussed above.

2. Options

To supplement today's proposal, commenters have suggested that privately held allowances be offered in a separate auction sponsored by EPA so that sellers could offer a variety of allowance packages, including, for example, multi-year "streams" of allowances (i.e. X allowances/year for Y years), rather than being limited to spot and seven year advance allowances. EPA is seeking comment on the options discussed below.

(i) Catalogue auction. EPA is considering establishing an auction in which each allowance-holder could offer packages of allowances of the offeror's design. In making such an offer in an auction format, the prospective seller would have to specify a minimum acceptable bid price expressed in terms of a dollar amount for the total amount of allowances offered. This would be necessary in order for EPA to identify the highest bid from among all bids submitted in response to the offer, and award the offered allowances to that bid. Thus, if a seller were offering a multi-year stream of allowances, the minimum acceptable bid price would have to be expressed in a dollar total that incorporated any discount rate that the offeror believed appropriate.

To effectuate the offer process, EPA would publish a catalogue of all such offers submitted. Any buyer wishing to participate would submit a bid on any of the allowance products offered in the catalogue, and, as in the case of the auction of EPA allowances, would include payment of the full purchase price. EPA would select the highest bid, transmit the bidder's payment to the

seller and transfer the allowances to the bidder. As in the case of the auction of EPA allowances, EPA would publish the results of such an auction.

Clearly, many potential allowance packages would involve a substantial amount of legal and economic complexity. To satisfy the requirements of the auction format, however, sellers would be required to reduce these variables to a single price, and bidders would be compelled to accept an offer without a single variance or amendment. Given the complexity and variety of potential allowance packages from both buyers' and sellers' perspectives, EPA believes that most transactions would benefit from direct negotiations between buyers and sellers, and so should be left to the private market, which has mechanisms such as brokerages and consulting firms to facilitate the matching of, and negotiations between, buyers and sellers. Although the rule as proposed reflects these concerns, EPA invites further comment on this issue.

There is some likelihood that the facilitating mechanisms of the private market might be slow to develop in the early years of the regulatory program. This prospect would justify a separate EPA-sponsored auction to facilitate contact between buyers and sellers who might not have other more efficient means for making contact, and to provide the public with information concerning both offers and the market's response to such offers.

In fact, some commenters have already argued that those brokers who will be active in the near term will offer only a proprietary and costly brokering function, mediating transactions based on limited closely-held information, rather than providing their clients and the market in general with a broad vision of the entire market. For this reason, EPA requests comments on the option of designing a separate auction to accelerate the development of a more open, more efficient market by enabling sellers offering a variety of allowance packages to use the auction to disseminate their offers to a broad public.

(ii) Bulletin board and catalog exchange. As an alternative, or in addition to, a separate auction, EPA requests comments on two non-regulatory approaches it is considering for facilitating the exchange of information among potential market participants. Under one, EPA would establish an electronic "bulletin board" through which those seeking to sell or buy allowances could "post" basic information about their needs and interests as well as instructions for contact. Under the second, EPA could set up a "catalogue exchange." As in the case of the separate, unrestricted private auction, sellers would submit offers of allowances in specified packages with specific terms and conditions. In addition, those seeking to buy allowances could also submit offers to purchase. These offerings would be published. Bids would be submitted to EPA and all bids would be forwarded to the offering parties so that they could take up direct contact with the bidders. As in the case of the auction of EPA allowances, EPA would publish information concerning the responses of the offers. Either approach would supplement the information provided to the market by the auction sponsored by EPA and by private brokers—particularly if, in the early years of the program, the latter engage in proprietary transactions, as some commenters fear. Under either of these approaches, EPA would provide such services only for a limited time, for example, two years.

Both approaches provide an assured channel linking buyers and sellers that might not otherwise exist. Through the publication of the catalogue and of information concerning responses to the offerings in the catalogue, the catalogue exchange, in particular, may tend to maximum information available on prices and terms to all parties, such as state public utility commissions (PUCs), concerned with the allowance market. To this end, a catalogue exchange might prove superior to a bulletin board.

A catalogue exchange might also prove superior to a separate, regulatory auction. In the latter, sellers would be limited in the design of their offers, and buyers their bids, so that there would be sufficient commensurability betwen offer and bid, and between competing bids, for EPA to identify a clear winning bid. In addition, the parties would not have the benefit of negotiation in designing their obligations. In contrast, a seller could participate in a catalogue exchange through offers that included some terms that were flexible and susceptible to being changed and improved through varied responsive bids and ensuing negotiations. For that reason, the catalogue exchange would be likely to prompt more participation among sellers and potential buyers and, therefore, to elicit more information concerning market activity.

(iii) Combined catalogue auction and catalogue exchange. A final option on which EPA is seeking comment would be to establish both a catalogue auction and a catalogue exchange. The catalogue auction would be designed and conducted as described in option (i), above; the catalogue exchange would function as described in option (ii), above. This approach would enable an allowance-holder to choose which public method for offering allowances to use. Sellers willing to offer allowances on relatively simply terms—that is, where price is the only variable—would be able to avail themselves of the opportunity to sell such allowances at a public auction. At the same time, the availability of both options would avoid the risk that the restrictions participants would have to meet to satisfy the auction format, would dissuade from using the public catalogue, those with allowances for sale (or purchase) involving more complex terms. As a result, EPA would maximize the utility of a public catalogue system both in matching buyers and sellers and in eliciting and disseminating information to the market at large.

(iv) Impact on private market. EPA's reservation concerning adopting any of these options rest on the statute's and EPA's clear commitment to promoting private market solutions. To the extent that an allowance bulletin board or catalogue auction or exchange were valuable, the market itself could be expected to provide such mechanisms. In addition, utilities holding allowances could readily disseminate offers to sell the allowances in requests for proposal as the Long Island Lighting Company of New York has already done. In fact, some analysts suggest that uncertainties concerning compliance costs, PUC action and future growth are likely to be the primary inhibitors of allowance trading. Uncertainties stemming from inadequate dissemination of otherwise available information are less likely to pose a threat simply because given the wide-spread belief that allowance trading can reduce costs, the market is very likely to solve problems involving the sharing of information quickly, efficiently and effectively. In view of that possibility, both the bulletin board and catalogue exchange, as well as the catalogue auction, could prove to be superfluous at best if not damaging to the development of mechanisms that the private market would itself foster. EPA requests comment from anyone planning to establish such services.

D. Bidding

The Act allows any person to participate in the auctions held by EPA (Sec. 416(d)(2), (4)) and EPA proposes no restrictions. The proposed rule simply requires that sealed bids be sent to EPA using the SO_2 Allowance Bid Form published by EPA (or by means of electronic communication, which EPA, following public notice, may require or permit at some future time). The bid

must specify such things as the number and price of allowances, the type of allowances sought (spot or advance), allowance tracking system account information, authorized account representative, and whether the bidder will accept fewer allowances than the amount requested, if the full amount cannot be supplied. Each bid must be accompanied by a certified check or a letter of credit for the total bid price or by some method of electronic transfer or other instrument, which EPA, following public notice, may require or permit at some future time.

Bidders will be required to provide information to EPA to establish an allowance account in the allowance tracking system if they do not already have one, using the Allowance Tracking System New Account Form. Allowance accounts are needed to transfer allowances purchased at auction directly to the successful bidder's account in the allowance tracking system. If needed, new account forms must be submitted with bids; if the bid is not won, the account will not be established. Standard bid forms will streamline data entry and provide a legal record of the bid, which facsimiles or computer transmissions might not do.

Requiring each bid to include full payment through a certified check or letter of credit reflects EPA's belief that such an approach is implied by the explicit elements of section 416. The Act makes no provision for awarding of allowances to a successful bidder by any method other than certain, direct, and immediate payment. If EPA allowed less than full and certain payment (such as a personal check) for allowances awarded at auction, the sure and complete transfer of allowances to bidders would be jeopardized. Likewise, if EPA allowed partial payment for spot or advance-sale allowances, the auction could become a contingency program, enabling buyers simply to default on their payments, if they subsequently acquired other allowances at a more favorable price. The stability of such an auction program would be in doubt as participants assessed their willingness to buy and sell "contingent" allowances or what amounted to allowance "options."

Requiring full payment with each bid is key to ensuring the equitable treatment of units from whose annual allocations the allowances are withheld to create the special reserve of allowances for the auction. Section 416(d)(3) makes no distinction between spot and advance allowances in terms of payment, but simply mandates that within 90 days of receipt of payment for allowances purchased at each auction, the Administrator transfer the proceeds, on a pro rata basis, to the owners or operators from whose units' annual allocations the allowances were withheld. The Administrator is further required by (section 416(d)(3)) to return any unsold allowances, on a pro rata basis, at the end of each year. By requiring a monetary refund or a refund in kind for all allowances withheld, or a combination of both, the statute preserves unit owners' legal and financial interests in these allowances, again regardless of whether they are auctioned on a spot or advance-sale basis. EPA, in turn, has a strict obligation to protect those ownership rights, and requiring immediate full payment is instrumental to such protection.

1. Timing of Bids

Sealed bids including payment must be received by EPA no later than 3 business days prior to the date of the auctions. Since EPA is proposing to require as one option a certified check for the full purchase price to accompany each bid, and since banks typically debit the payor's account and suspend interest payment upon certification of checks, EPA seeks to avoid holding bidders' money for long periods of time. Accordingly, EPA will also send refund checks or will return letters of credit to unsuccessful bidders immediately upon the conclusion of each auction.

2. Bid Amount and Number of Bids

The Act is silent on the number of allowances a bidder may request (apart from the overall limit on the total allowances for sale in each auction.) EPA proposes no restrictions. EPA recognizes, however, that it may be necessary to amend the regulations in the future to restrict bids. Multiple bids will also be unrestricted, but each bid will be treated individually and require a separate bid form and a separate payment. There do not appear to be any compelling reasons that the number of allowances bid for, or the submission of multiple bids, should be restricted. Furthermore, restrictions are viewed as obstacles to a well-functioning auction. Separate bid forms for each bid would speed bid-sorting and reduce errors.

3. Tie Bids

In the case of tie bids that would exhaust the available allowances for auction, EPA proposes to conduct a lottery to allocate the remaining allowances. Winners of the lottery will receive the full amount bid for until the supply is exhausted. If fewer allowances remain than are requested in the bid (and the bidder has specified nonacceptance of a partial allocation of allowances), EPA will sell the remaining allowances to the next bidder in line who has specified acceptance of a partial allocation of allowances. In a lottery system, all parties have an equal probability of winning. The "winner-take-all" approach is less ambiguous than awarding bidders a pro rata share and thus avoids confusion when allowances are awarded after the auction.

E. Announcement of Results

The Administrator is required by the Act to "publicly report the nature, prices, and results of each auction * * * including the prices of successful bids * * *." (Sec. 416(d)(5)). EPA proposes to publish the names of all bidders and their bids and the lowest price at which allowances are sold in each auction. The statute does not specify that any information be withheld as confidential. Publishing bid prices, amounts, and the cutoff price provides information for market participants to gauge the demand and the price range for allowances. The publication of names will also facilitate information flow and market trading by allowing others to know the parties buying (and selling) allowances. The main argument against publishing names is that it may compromise bidders' ability to negotiate for favorable prices in private transactions. However, if bidders are concerned about having their names revealed, they could use a "street" name or bid through a broker.

Though EPA is proposing that all bids and bidders be revealed, another option EPA considered was to list the names and bids of the winning bidders and just the prices bid by unsuccessful bidders without their names. EPA is unsure whether the listing of names of unsuccessful bidders will be important to the operation of the market. On the other hand, EPA believes that it would be compelled to make such information available pursuant to a Freedom of Information Act (FOIA) request and believes that no purpose would be served in relying on such a method of dissemination when the publication of this information would do no harm. One option to avoid FOIA requests would be to establish a two-envelope bidding process which would separate names from bids. In such a system, large envelopes would contain revised auction bid forms (no names) and payment, and small envelopes would contain names or completed Allowance Tracking System New Account Forms if bidders lacked such an account. Small

envelopes would be placed inside large envelopes and sent to EPA. Only successful bidder's small envelopes would be opened after the auction, thereby preventing EPA from collecting information about unsuccessful bidders. All other envelopes would be returned unopened. EPA asks for specific comment on these different options.

EPA proposes to announce auction results in the allowance tracking system. Bidders and others will be permitted to access the system to view the results. A written statement of the results will also be published in the Federal Register and the Commerce Business Daily soon after each auction.

F. Transfer of Allowances and Proceeds

EPA proposes to transfer allowances directly to the allowance tracking system accounts of winning bidders as soon as payment is determined to be certain. For unsuccessful bidders, EPA intends to send refund checks, if payment has been tendered in the form of a certified check, and return letters of credit as soon as the auction results are known. (See D 1. Timing of Bids)

The statute requires the Administrator to transfer proceeds of each auction to the owners of the units from whose allocations the auctioned allowances are withheld on a pro rata basis, but allows up to 90 days for the completion of the transfer (sec. 416(d)(3)). EPA intends to send checks for the appropriate amount to the owners and operators of units in as short a time as possible. EPA will also transfer proceeds to the owners of contributed allowances shortly after the auction. The statute neither requires nor authorizes EPA to pay interest on these payments.

The Act requires the Administrator to return any unsold EPA allowances "at the end of each year," on a pro rata basis, to the original units (sec. 416(d)(3)). This re-allocation will be done electronically in the allowance tracking system. EPA cannot identify any rationale for not effecting the return of unsold allowances upon the completion of the auction rather than waiting until the very end of the year. The agency believes that this interpretation will facilitate the efficient functioning of the allowance trading system, and is consistent with the apparent congressional intent merely to ensure that the return of unsold allowances be completed by the end of the year.

When more than one private allowance-holder offers allowances at the same specified minimum price, EPA proposes to distribute the proceeds of the sale according to each seller's pro rata share of all such allowances; any such allowances remaining unsold will also be distributed according to each seller's pro rata share of such allowances. Since the ranking of offers is intended to reward those offering compliance at lower costs, this approach ensures that all who offer allowances at the same price will benefit equally by their place in the minimum-price-based sales order.

IV. Direct Sales

The Act establishes an annual Direct Sales Subaccount of 50,000 annual allowances to be sold for $1500 each (adjusted by the Consumer Price Index). The Administrator is required to sell 25,000 allowances every year on an advance sale basis beginning in 1993, and 25,000 in spot sales beginning in 2000 (sec. 416(c)). Allowances sold in advance sales are useable seven years after purchase, while allowances sold in spot sales are useable the year in which they are sold. The direct sale appears to be intended as a last resort for buyers who fail to obtain the needed allowances in the private market. Congress appears to have foreordained this limited role for the direct sale by pricing these allowances at $1,500 per ton, an amount which is projected to be double the expected market price for allowances. At the same time, the Act affords potential purchasers of these allowances some flexibility before committing to buy these high priced allowances, by giving applicants up to six months to pay 50% of the total purchase price after their request to purchase allowances has been approved by EPA. This six month delay in payment gives applicants time to secure a better price for allowances while holding a place in the direct sale. The remainder of the price must be paid upon or before, the transfer of allowances to the purchaser (Sec. 416(c)(2)).

A. The Form and Timing of the Direct Sale

The Act does not specify when the direct sale should be held. EPA proposes that the direct sale begin no later than June 1st of each year and end on the last day that allowances may be transferred to unit accounts for compliance purposes (which will be specified in a separate rulemaking). Applications may be submitted, and purchases made, on any day during this period. Potential buyers would inform EPA of the type of allowances they seek to purchase (*i.e.*, spot or advance) in their purchase application.

This "rolling sale" approach allows the sale to serve as the compliance alternative of ultimate resort that Congress apparently contemplated. It is also fully compatible with the Act's requirement that applicants to the direct sale submit a 50% deposit within six months after their request to purchase has been approved, as long as the direct sale process begins at least six months before the end of the compliance year.

B. Purchasing Allowances from the Direct Sale

1. Restrictions on Purchasing Parties

The statute allows any person to apply for allowances from the direct sale and places no restrictions on the amount of allowances for which purchasers may apply, up to the annual total of 50,000 allowances in the Direct Sale Subaccount (Sec. 416(c)(2)). Having found no convincing reason to impose restrictions, EPA proposes not to restrict the amount of allowances any person can purchase. Since the price of $1500 per allowance is predicted to be about double market price, EPA finds it highly unlikely that any party would attempt to accumulate this supply of allowances. However, at a future date EPA may amend the regulation to restrict the amount individuals may buy in the direct sale if circumstances prove this to be necessary.

2. The "Request to Purchase"

EPA interprets the language of (sec. 416(c)(2)) to require only a simple application setting forth the nature of the allowances (*i.e.*, advance or spot) the applicant seeks to purchase and the amount. Since any person may purchase allowances in any amount, the purpose of the application is simply to allow for the orderly administration of the direct sale. EPA further interprets the applicable language literally and proposes to approve applications on a first come, first served basis (sec. 416(c)(2)) (*i.e.*, applications will be time and date stamped as they are submitted and allowances will be reserved as approvals are made). Applicants must submit a 50% deposit of the total purchase price for the allowances sought within six months of the time EPA transmits notice of approval. If approval is granted with fewer than six months remaining in the direct sale, full payment shall be paid on or before the closing date of the sale. Failure to make such payments on a timely basis will terminate the approval of the application; as a result, deposits will be forfeited and the allowances subject to such an application will be returned to the subaccount. Any remaining balance of the purchase price must be paid on or

before the last day of the sale period. Though EPA expects most balances to be paid near the end of the direct sale, applicants may complete the purchase of allowances at any time during the sale period.

In anticipation of the possibility that the Direct Sales Subaccount may be oversubscribed by the total number of applications submitted in any one year, EPA proposes to create a "waiting list," also on the first come, first served basis described above. EPA will notify wait-listed applicants that contingent approval of their applications has been made in the event that previously approved applicants fail to submit their deposits or balances on a timely basis and lose their right to reserved allowances. Allowances not claimed through the deposit or not paid for in full by the last day of the sale will be returned to the Direct Sales Subaccount, and EPA will approve applications from the waiting list in the order in which they have been received. "Wait-listed" applicants will only be approved if previously reserved allowances become available, and if ample time (at minimim five business days) for payment and transfer remains in the direct sale period.

To minimize the risk of oversubscription, EPA considered requiring a non-refundable deposit of the purchase price with each application, or withholding approval of applications until the applicant made the full 50% deposit. The Act, however, explicitly states that "requests to purchase * * * shall be approved in the order of receipt until no allowances remain in such subaccount * * *" (Sec. 416(c)(2)). As stated above, EPA interprets this language to require that allowances be allocated as each request is received. The Act also states that applicants have six months after approval to deposit 50% and specifies no authority to require even a small non-refundable deposit with the application. Because of this clear direction in the Act, EPA is proposing to resolve any problem of over-subscription by the use of a waiting list.

3. Payment

EPA proposes to require a certified check (or an electronic transfer or other instrument which EPA, following public notice, may permit or require at some future time) for the 50% deposit and the remaining balance. All outstanding payments must be received by EPA by close of business on the last day of the sale period. Otherwise, allowances not fully paid for will go into the Auction Subaccount as required by the statute (sec. 416(c)(6)), and any deposits will be forfeited. Instructions for payment will be included in applicants' notification of approval from EPA. EPA is making no differentiation in the payment schedule between the treatment of applications for advance-sale allowances and that for spot allowances. As a result, a purchaser seeking an advance-sale allowance must pay at time of purchase the full non-discounted inflation-adjusted $1500 price for an allowance not useable for compliance purposes for seven years. The buyer of the advance allowances will, however, be acquiring the legal and economic right to the allowances just as if it were purchasing another firm's accounts receivable, and just as a private buyer would in securing another's allowances in an advance purchase contract. This brings the buyer economic and practical advantages of ownership interest in the allowances, even though the allowances cannot be used specifically for compliance immediately. At the same time, the unit from which allowances are withheld is deprived of the same advantages and so deserves to be compensated when ownership rights are transferred, not seven years later when the allowance is useable for compliance. This is fully consistent with the proposed payment rule for the auction and both proposals mention the same rationale.

4. Partial Allocations

Since over-subscription to the direct sales is a possibility, EPA proposes to require each applicant to indicate in the "request to purchase" application whether it is willing to accept a partial allocation of allowances. EPA will make allocations to "last-in line" applications according to these indications until the subaccount has been fully allocated.

5. Transfer of Allowances and Proceeds

EPA proposes that allowances be transferred from the Direct Sale Subaccount to purchasers' allowance tracking system accounts as soon as full payment is received and verified by EPA. Such payments and allowance transfers may occur at any time throughout the sale period. As in the case of purchaser at the auction, EPA proposes that allowance buyers be required to provide information to EPA necessary to establish an account in the allowance tracking system if they do not already have one. A completed Allowance Tracking System New Account Form must be submitted with the Direct Sale Application Form; if payment is not made in full following approval, the account will not be established.

The Act mandates that the Administrator distribute all proceeds from the direct sale (including deposits by approved applicants who fail to complete purchases) within 90 days after the sale period. Proceeds are distributed on a pro rata basis to units which had allowances for purposes of the direct sale (sec. 416(c)(6)). EPA plans to carry out this redistribution as soon after the sale period ends as possible. EPA proposes that all proceeds from the direct sales be distributed at one time after the end of the sale period. As an alternative, EPA considered carrying out a distribution each time a sale was completed throughout the sale period. This option is not required by the Act and EPA believes it would prove to be administratively burdensome without providing significant benefit to unit owners, since EPA expects that most sales will not be consummated until the end of the sale period when compliance with the emissions program must be achieved.

V. IPP Written Guarantee

The Act requires the Administrator to offer "written guarantees" to certain IPPs planning to construct new facilities. The guarantee would allow an IPP to purchase allowances from the Direct Sale Subaccount, for every year of the useful life of the unit, before any other person could purchase allowances in the direct sale (sec. 416(a)(3)).

The written guarantee is available to new IPPs that are not affiliated with a utility from whom allowances could be obtained, and provides those IPPs, at a time when the market for allowances may not yet have developed, with a means of demonstrating to their financial lenders that they have access to a sufficient number of allowances to operate planned facilities fully. IPPs' lenders can be expected to demand a demonstration of the availability and cost of the allowances these facilities will need to comply with the Act's requirement that, for new units, beginning in 2000, their owners hold allowances in an amount to their annual emissions. Since new units, including new IPPs, are not allocated allowances under the Act, these new IPP facilities would have to rely on private market transactions and on the annual auction in order to obtain allowances. Congress appears to have concluded that in the period before the first auction held by EPA the prospects for such transactions may be doubtful, leaving IPPs unable to make the demonstrations concerning allowances that their prospective lenders will almost surely require. Accordingly, the Act assures IPPs obtaining guarantees that allowances will be available, thus enabling IPPs to

make the necessary demonstrations to obtain financing.

A. Summary of the Written Guarantee Provisions

The Act requires IPPs seeking a written guarantee to meet several criteria. To apply for a guarantee, section 416(a) requires that an IPP must be the owner or operator of a *new* independent power production facility (*i.e.* commences commercial operations on or after November 15, 1990) that:

(1) Is nonrecourse project-financed, as defined in 30 CFR 715.2;

(2) Sells 80% of electricity generated at wholesale; and

(3) Does not sell electricity to any affiliate (as defined in section 2(a)(11) of the Public Utility Holding Company Act of 1935) or, if it does, demonstrates that it cannot obtain allowances from such an affiliate.

Within 30 days after submission of its application, an IPP is entitled to a written guarantee granting priority in the purchase of allowances at $1500 each (CPI adjusted) from the direct sale if it demonstrates, as required by section 416(c)(3), that it:

(1) Proposes to construct a new facility for which allowances will be needed;

(2) Will apply for financing between January 1990 and the date of the 1993 auction;

(3) Has submitted written offers to each unit listed in Table A to purchase the required allowances at $750 each; and

(4) Has not received an acceptance within 180 days of the offers.

B. Applying for a Written Guarantee

1. Propose to Construct a new Facility

Pursuant to the statutory requirements, each applicant must submit information sufficient to establish that it "proposes to construct" a new independent power production facility for which allowances are required. To fulfill this requirement, EPA proposes that an IPP establish that it has met any one of the following milestones: (1) That it has been selected as a winning bidder in a utility competitive bid solicitation; (2) that it has entered into a fully binding power sales agreement; (3) that it has entered into a fully binding fuel supply agreement; (4) that it has received a site lease or proof of land acquisition; (5) that it has entered into a fully binding signed steam sales agreement; or (6) that it has submitted a complete environmental permit(s) application or has received such a permit(s). Each applicant shall submit the relevant document in support of the demonstration.

Discussions with IPPs, project developers, and staff of lending institutions led EPA to the conclusion that an IPP that has met any of these milestones is a serious project. In proposing this milestone approach, EPA is seeking to minimize oversubscription to the written guarantee and to ensure that guarantees are not issued to projects of doubtful legitimacy or prospects for completion.

EPA interprets the Act to require no payment or deposit upon the issuance of a guarantee. Section 416(c)(2) requires that each applicant shall be required to pay 50% of the total purchase price within 6 months after the approval of the request to purchase. EPA does not believe the word "applicant" refers to holders of written guarantees, who by definition, have been granted the purchase rights under the program. Any other interpretation would defeat the apparent overall purpose of the guarantee program: To provide certain assurances to IPPs, before they secure financing, while affording them subsequent opportunities to obtain allowances in the market. As a result, EPA does not believe it can rely on any payment requirement to discriminate legitimate from frivolous applicants. Instead, the good faith and viability of the applicant must be demonstrated through the steps already taken to develop the project, steps whose completion materially advances the completion of the entire project.

2. Application for Financing

To meet the statutory criterion that an applicant apply for financing between January 1990 and the date of the first auction, EPA proposes that an applicant provide EPA with a certification to this effect. Because the process of applying for financing is not uniform and occurs over an extended period of time rather than in one step, EPA does not believe it appropriate to impose a rigid requirement that a project's financing application be completed or even initiated prior to its application for the written guarantee. An attempt to isolate a single point in time at which, in every instance, a project will be deemed to have applied for financing would inevitably lead to the arbitrary exclusion of otherwise legitimate projects. EPA believes that the legitimacy of a project is better established by requiring it to have met one of several developmental milestones, as discussed above.

3. Submission of $750 Offers

The Act mandates that an applicant must have submitted written offers to each owner or operator of an affected unit listed in Table A to purchase the required allowances at $750 each and must not have received an acceptance within 180 days of the offers.

EPA proposes to require an applicant simply to submit a signed statement that the statutory criterion has been satisfied. In addition to the simple certification, EPA is proposing that applicants submit to EPA one copy of the written offers sent to Phase I utilities. Current projections suggest that the cost of allowances beyond the year 2000 will range between $300 and $800 each, with a somewhat lower cost range in the years between 1995 and 2000. In contrast, the cost of an allowance sold through the direct sale is $1500. Accordingly, IPPs will have powerful incentives to obtain allowances in private transactions if only to avoid resorting to the direct sale. For EPA to require any element beyond a simple certification that the applicant has made the offers required by that statute would add nothing to the result sought by the statute and all but guaranteed by the economic incentives of the market: IPPs will use the written guarantee program only as a last resort.

4. Other Information Required

EPA also proposes to require the following information in the application: (1) The proposed location of the facility; (2) the proposed production capacity and fuel source; (3) sulfur dioxide emissions limits under which the facility will be required to operate; (4) projected annual emissions of sulfur dioxide; (5) annual allowances requested; and (6) the proposed start-up date of the facility and its expected operating lifetime. This information will help EPA evaluate the "reasonableness" of the allowance request and provide some justification that the project is serious. EPA also needs this information to reserve multi-year streams of allowances.

5. Responsible Official

EPA proposes that certification of all requirements shall be made by a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation. For a partnership a general partner would make the certification. The responsible official will be the contact person for all correspondence between EPA and the IPP concerning the written guarantee.

Changes to the responsible official must be made in writing to EPA.

C. The Nature of the Guarantee

In approving an application and issuing a guarantee, the Administrator will guarantee yearly "streams" of allowances, assuring in each guarantee the new IPPs' right to purchase allowances from the direct sale for the operating life of the unit, up to thirty years. EPA has chosen the operating-life as the time-span for each guarantee to accomplish the purpose of the guarantee program: To enable IPPs to demonstrate to financiers an assured source of allowances, albeit at a high price, necessary for operation in compliance with the Act.

Among the reasons for making special provisions for IPPs as opposed to others to whom the allowance market may pose special problems is that IPP facilities are expected to play a crucial role in the country's new electrical generation capacity and may not have access to allowances allocated to utility units. For this reason, EPA is proposing that guarantees be issued for a unit and not to the unit's owners. As such, guarantees will be transferrable only if the unit itself is sold to new owners. (However, allowances purchased through guarantees will be fully transferable.)

EPA interprets the Act to require that the aggregate annual total of allowances available to be reserved through written guarantees will be 50,000, the full amount in the Direct Sales Subaccount. In the Direct Sale Subaccount, 25,000 of the allowances are to be offered in an "advance" sale seven years before they can be used and the other 25,000 are to be offered in a "spot" sale in the year in which they may be used. Though this schedule exists for the direct sales, the written guarantees are not linked explicitly by the statute to the direct sales schedule. Instead, the statute simply specifies that the allowances subject to the guarantee are those in the Direct Sales Subaccount (sec. 416(c)(5)).

EPA proposes to first make available up to 25,000 yearly allowances for guarantees from allowances reserved for the advance sale. If more than 25,000 allowances are required for guarantees, the number in excess of 25,000 will be reserved from the spot allowance category. This proposed method of guaranteeing allowances will adjust the direct sale schedule as follows: If fewer than 25,000 allowances are subject to written guarantees for any year from 2000 through 2006, any remaining allowances will be sold in the advance sale seven years preceding any such year. If more than 25,000 allowances are reserved for written guarantees for 2000 through 2006, the direct sale will begin in the year 2000 and will consist of any spot allowances not sold pursuant to written guarantees. This proposed approach preserves spot allowances which EPA believes better serves the regulated community because spot allowances can be used for year-end compliance needs. Again, this is consistent with the objective of establishing the direct sale as a source of allowances of last resort.

D. Submittal of the Application

1. Application Deadline

No explicit date is established as a deadline for applications for written guarantees, and EPA proposes none. This approach allows IPPs attempting to negotiate long-term contracts for allowances the flexibility of obtaining written guarantees should those negotiations fail. However, as required by the language of the statute, any applicant submitting an application after the auction date in 1993 must demonstrate compliance with all preconditions set forth in the Act, including that the required activities occurred prior to the date of the 1993 auctions. EPA is proposing that applicants provide the name of the financial entity(ies) to whom application for financing was made.

Other options EPA considered, but rejected, included establishing the 1993 auction date as the application deadline or extending the deadline for a year or two beyond 1993. EPA believes that setting the 1993 auction date as the application deadline was too restrictive and did not allow for contingencies such as the failure of private negotiations.

2. First Come First Served

EPA proposes that written guarantees be processed and approved according to the order in which applications are received, beginning with the date the regulations go into effect. EPA will time and date stamp applications as they are received.

As mandated by the statute (sec. 416(c)(3)), the Administrator must provide written guarantees to qualified applicants within 30 days of receiving the application. Applicants who have filed applications that are deficient will have their application returned as soon as the deficiencies are discovered and these applicants will lose their place in line. Revised applications will be processed according to the date on which they are filed. EPA proposes this system to create an incentive to file only complete and correct applications. Any applications received after the supply of allowances subject to written guarantees is exhausted will be placed on a waiting list in order of receipt. These will be processed according to that order, in the event that any written guarantees are terminated in part or in whole.

E. Written Guarantees and Termination of the Direct Sales Program

The statute requires the Administrator to terminate the Direct Sales Subaccount if fewer than 20 percent of the allowances available have been purchased in any two consecutive calendar years (Sec. 416(c)(7)). The statute does not indicate whether termination of the direct sales subaccount also terminates the written guarantees. However, linking the termination of direct sales to written guarantees in this manner would contradict the plain meaning of a "guarantee" and would be at odds with the intended purpose of the written guarantees, which is to assure lenders that IPPs will have access to allowances over the operating lifetime of the planned facility. Therefore, EPA proposes that termination of the direct sale will not result in termination of written guarantees. If the direct sale is terminated, EPA will maintain the Direct Sales Subaccount solely for the purpose of selling allowances to those exercising guarantees and, as required by the Act, will transfer to the Auction Subaccount any allowances that are not sold to holders of a guarantee.

F. Exercise of the Written Guarantee

To exercise a written guarantee, EPA proposes that the responsible official notify EPA, in writing, of the number of allowances to be purchased. EPA will respond to the notification, within five business days after receipt, by sending the responsible official a statement of the exact price for the allowances and where to send payment. EPA proposes that allowances purchased pursuant to guarantees must be purchased by certified check for the total amount. The responsible official may elect to purchase all guaranteed yearly allowances or simply a portion. EPA proposes that such notification must be received by EPA no later than April 15th of the calendar year in which allowances are to be purchased, and that payment be received by EPA no later than May 15th of that same year, one month before the direct sale begins. EPA proposes to impose this time frame and payment requirements in order to determine, and announce, the number of allowances that are available for sale in the direct sales program. If the direct

sale is terminated, the responsible official may elect to notify EPA of an intent to exercise the written guarantee at any time of the year. If a guarantee is not exercised for the year, the allowances previously reserved will be available for sale, or transferred into the Auction Subaccount if the sale is terminated.

This schedule allows IPPs to participate in the annual auction to obtain needed allowances and provides some time to purchase allowances in the private market should they be unsuccessful in the auction. IPPs who do not have an account in the allowance tracking system will be required to set one up prior to the transfer of allowances. When EPA receives full payment for the purchase of allowances, EPA will transfer the requested allowances to the IPP's allowance tracking system account.

G. Termination of the Written Guarantee

EPA proposes the following requirements for IPPs with written guarantees to continue to hold their guarantees. EPA believes these requirements are important in the event that there is an oversubscription to the guarantee program.

1. Continued Good Faith Efforts to Obtain Allowances

The language in the statute implies that the Administrator may terminate a written guarantee if continued efforts to obtain allowances are not pursued (Sec. 416(c)(4)(b)). EPA has chosen not to impose further requirements on IPPs, other than recordkeeping, because, in view of the fact that the price of allowances in the private market is projected to be less than $1500, EPA believes this requirement to be essentially self-enforcing. It is in the obvious financial self-interest of IPPs to obtain allowances priced at less than $1500. However, applicants will be required to retain copies of their bids in the annual auctions and any written offers made to Phase I facilities, and to make such documents available to EPA at its request.

2. Commenced Commercial Operations on Time

EPA proposes to terminate a written guarantee if the project for which a guarantee is issued has not commenced commercial operation by the later of January 1, 2000 or within two years of the date stated in the guarantee. EPA proposes to impose this restriction in order to guard against allowances remaining reserved for projects that are delayed indefinitely. EPA believes a two year delay in start-up to be reasonable. However, EPA requests comment on the development of an appeals process where unusual or unexpected circumstances delayed the start-up of the facility.

3. Notification of Continued Need for the Guarantee

EPA proposes to terminate a written guarantee if the responsible official fails to notify EPA of the continued need for the guarantee. EPA proposes that the responsible official shall certify that the facility continues to require guaranteed allowances pursuant to its application requirements. In addition, information on allowances acquired through other means must be disclosed so EPA can deduct this amount from the original guaranteed amount. This certification shall be signed by the responsible official, and sent to EPA twice a year until the date of the first auction in 1993 and once a year thereafter. The Act does not indicate whether the acquisition of allowances in private transactions is grounds for terminating the written guarantee. EPA proposes to terminate guarantees, at least in part, to the extent, and only to the extent, the acquisition of allowances meets part, or all, of the unit's allowance needs.

VI. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, the Administrator must judge whether a regulation is "major" and therefore subject to the requirement to conduct a regulatory impact analysis. This proposed rule is not major as that term is defined in section 1(b) of E.O. 12291 because: the annual effect of the rule on the economy will be less than $100 million; it will not cause any significant increase in costs or prices for any sector of the economy or for any geographic region; and it will not result in any significant adverse effects on competition, investment, productivity, or innovation or on the ability of United States enterprises to compete with foreign enterprises in domestic or foreign markets.

EPA's economic analysis estimates that the total impact for participants in the auctions, direct sales, and IPP written guarantee program are minimal. The estimated number of bidders for each auction will be between 200 and 400, and each bidder is estimated to submit one to three bids. The number of direct sale applicants is estimated at 100 over two years. The number of applicants for the IPP written guarantee program is estimated to total 100 and is assumed to occur in the first year, 1992.

The total estimated annual costs to auction participants range from $14,100 to $84,600. The estimated total costs for direct sale applicants is $14,100 over two years. Assuming all IPP guarantee applications occur in the first year, the total cost to IPP guarantee applicants is estimated to be $235,000. The Agency anticipates that these proposed regulations will not have a significant effect on competition, costs, or prices. Therefore, EPA has determined that these proposed regulations are not "major."

The analysis is contained in the Economic Analysis of the Proposed Acid Rain Regulations for Auctions, Direct Sales, and IPP Written Guarantees, March 1991, EPA, Office of Atmospheric and Indoor Air Programs.

This proposed rule was submitted to the Office of Management and Budget (OMB) for review prior to publication as required by E.O. 12291.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 requires each Federal agency to perform a Regulatory Flexibility Analysis for all rules that are likely to have a "significant impact on a substantial number of small entities."

EPA has three reasons to expect that the auctions, direct sales, and IPP guarantee regulations will not have significant impacts on small entities. First, the costs to any one entity of participating in the auctions, direct sales, or IPP guarantees are too small to affect the financial health of a participating firm of any size. Second, because participation is voluntary, entities can choose not to incur any of the costs if they do not expect to gain from participation. Finally, the benefits of the programs are likely to flow disproportionately to small entities. The direct sales and IPP guarantees are designed to assist small entities unable to get allowances in any other way; these are much more likely to be small entities than large entities. The auction is designed to ensure that all entities have an essentially equal chance to secure allowances, with minimal transaction costs.

C. Paperwork Reduction Act

The information collection requirements in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* An Information Collection Request document has been prepared by EPA

(ICR No. 1584) and a copy may be obtained from Sandy Farmer, Information Policy Branch; EPA; 401 M St. SW. (PM–223); Washington, DC 20460 or by calling (202) 382–2740.

The public reporting burden for these regulations is estimated to average 1.5 hours per auction bid, 1.5 hours per direct sale application, and 48.5 hours per IPP guarantee application. These estimates include time for reviewing instructions, researching information, securing means of payment, maintaining the data needed, and filling out and submitting the forms.

Send comments regarding these burden estimates or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM–223, U.S. Environmental Protection Agency, 401 M St. SW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, marked "Attention: Desk Officer for EPA." The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal.

List of Subjects in 40 CFR Part 73

Air pollution control, Electric utilities, Sulfur dioxide, Reporting and recordkeeping requirements.

Dated: May 16, 1991.

William K. Reilly,

Administrator.

For the reasons set forth in the preamble, part 73 is proposed to be added to 40 CFR chapter I as follows:

PART 73—SULFUR DIOXIDE ALLOWANCE SYSTEM

Sec.

Authority: 42 U.S.C. 7601.

§ 73.1 Purpose [Reserved]

§ 73.2 Applicability [Reserved]

§ 73.3 Definitions.

Definitions apply to this part unless otherwise specified in this section. In addition the following definitions apply:

Advance allowance means an allowance that may be used for purposes of compliance with a unit's sulfur dioxide emissions limitation requirements beginning no earlier than seven years following the year in which the allowance is offered for sale.

Advance Auction means an auction of an advance allowance.

Advance Sale means a sale of an advance allowance.

Affiliate is defined in section (2)(11) of the Public Utility Holding Company Act of 1935.

Allowance means an authorization by EPA to emit, during or after a specified calendar year, one ton of sulfur dioxide.

Allowance tracking system means the system by which EPA issues, records, and tracks allowances.

Allowance tracking system account means an account in the allowance tracking system established by the Administrator for units affected pursuant to title IV of the Clean Air Act, for purposes of the allocation and transfer of allowances and the use of allowances for compliance, or for any person for the purposes of the holding and transfer of allowances.

Auction Subaccount means an account in the Special Allowance Reserve, as specified in section 416(b) of the Clean Air Act. The Auction Subaccount shall contain allowances to be sold at auction in the amount of 150,000 per year from 1995 through 1999, inclusive, and 200,000 per year for each year beginning in the calendar year 2000, subject to modifications noted in these regulations.

Authorized account representative means a natural person who may transfer and otherwise dispose of allowances held in an account in the allowance tracking system, including, but not limited to, the designated representative of the owners and operators of an affected unit.

Commenced commercial operation means to have begun to generate electricity for sale.

Compliance transfer deadline means the last day on which allowances may be transferred to an affected unit's allowance tracking system account for the purposes of meeting the unit's sulfur dioxide emissions limitation requirements for a specified calendar year.

Compliance use date means the first calendar year in which an allowance may be used for purposes of meeting a unit's sulfur dioxide emissions limitation requirements.

Consumer Price Index (CPI) means the United States government's primary indicator of the monetary inflation rate as published monthly by the Department of Labor, Bureau of Labor Statistics in the CPI Detailed Report and in the Monthly Labor Review. For purposes of this regulation the Administrator will be using the CPI U (for urban consumers), US city average, all items indexed, or if such index is no longer published, such other index as the Administrator in his discretion determines meets the requirements of the Clean Air Act Amendments of 1990.

(1) CPI (1990) is defined as the most recently adjusted CPI for all urban consumers as of August 31, 1989. The CPI for 1990 is 124.6 (with 1982–1984=100).

(2) CPI (year) is defined as the most recently adjusted CPI for all urban consumers as of August 31st of the previous year.

Direct Sale Subaccount means an account in the Special Allowance Reserve, as defined in section 416(b) of the Clean Air Act. The Direct Sale Subaccount shall contain Phase II allowances to be sold in the amount of 25,000 per year, beginning in calendar year 1993 and of 50,000 per year beginning in the calendar year 2000.

EPA means the United States Environmental Protection Agency or, for purposes of subpart D, any person who by operation of delegation or contract is managing and conducting the auctions and direct sale provided for herein on behalf of EPA.

Fuel supply agreement means a legally binding document between a firm associated with a new independent power production facility (IPPF) or a new IPPF and a fuel supplier that establishes the terms and conditions under which the fuel supplier commits to provide fuel to be delivered to a specific new IPPF.

New Independent Power Production Facility means, for purposes of this part, a unit that:

(1) Commences commercial operation on or after November 15, 1990;

(2) Is nonrecourse project-financed, as defined in 30 CFR 715.2;

(3) Sells 80% of electricity generated at wholesale; and

(4) Does not sell electricity to any affiliate or, if it does, demonstrates it cannot obtain allowances from such an affiliate.

Power sales agreement is a legally-binding document between a firm associated with a new independent power production facility (IPPF) or a new IPPF and a regulated electric utility that establishes the terms and conditions for the sale of power from a specific new IPPF to the utility.

Qualified applicant means an owner or operator of a new independent power production facility.

Responsible Official means, for purposes of part 73 only, one of the following:

(1) For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation.

(2) For a partnership, a general partner.

Site lease is a legally-binding document signed between a firm associated with a new independent power production facility (IPPF) or a new IPPF and a site owner that establishes the terms and conditions under which the firm associated with the new IPPF has the binding right to utilize a specific site for the purposes of operating or constructing the new IPPF.

Spot allowance means an allowance that may be used for purposes of compliance with a unit's sulfur dioxide emissions limitation requirements beginning in the year in which the allowance is offered for sale.

Spot Auction means an auction of a spot allowance.

Spot Sale means a sale of a spot allowance.

Steam sales agreement is a legally-binding document between a firm associated with a new independent power production facility (IPPF) or a new IPPF and an industrial or commercial establishment requiring steam that sets the terms and conditions under which a specific new IPPF will provide steam to the establishment.

The Administrator is the Administrator of the Environmental Protection Agency.

Unit means a fossil fuel-fired combustion device.

Utility competitive bid solicitation is a public request from a regulated electric utility to select from among offers to the utility for meeting future capacity needs. A new independent power production facility (IPPF) may be regarded as having been "selected" in such solicitation if the utility has named the IPPF as one of the projects with which it intends to negotiate a power sales agreement.

§ 73.5 General Provisions [Reserved]

Subpart A—Allowance Allocations [Reserved]

§§ 73.10–73.29 [Reserved]

Subpart B—Allowance Tracking System [Reserved]

§§ 73.30–73.49 [Reserved]

Subpart C—Allowance Transfers [Reserved]

§§ 73.50–73.69 [Reserved]

Subpart D—Auctions, Direct Sales, and Independent Power Producers Written Guarantee

§ 73.70 Auctions.

(a) *Allowances to be auctioned.* The Administrator will auction allowances every year according to the following schedule:

TABLE 1.—ALLOWANCE SCHEDULE FOR AUCTIONS

Year of purchase	Spot auction	Advance auction
1993	[2] 50,000	[1] 100,000
1994	[2] 50,000	[1] 100,000
1995	50,000	[1] 100,000
1996	150,000	[1] 100,000
1997	150,000	[1] 100,000
1998	150,000	[1] 100,000
1999	150,000	[1] 100,000
2000 and after	100,000	[1] 100,000

[1] Not useable until 7 years after purchase.
[2] Not useable until 1995.

In addition to the allowances listed above, the Administrator will auction allowances pursuant to paragraph (c) of this section and § 73.72(o), in the amounts and at the times provided for therein.

(b) *Timing of the auctions.* The spot auction and the advance auction will be held on the same day, not later than March 31st of each year, on a day selected each year by the Administrator. The Administrator will conduct only one spot and one advance auction in each calendar year.

(c) *Submittal of other allowances for auction.* The authorized account representatives of the owners of allowances held in a non-unit account in the allowance tracking system, may offer allowances to sell, provided that the allowances are dated either for the year in which they are offered or for any previous year or for seven years following the year in which they are offered. Such authorized account representatives may specify a minimum price for the allowances offered in the auctions. The authorized account representative must notify EPA fifteen business days prior to the auctions, using the SO_2 Allowance Contribution Form published by EPA, or by means of electronic communication, which the Administrator, following public notice, may require or permit at some future time. The notification shall include:

(1) The compliance use date of the allowances offered,

(2) Any other information identifying the allowances offered that may be required by the allowance tracking system regulations, which will be promulgated at a later date,

(3) The number of allowances to be sold, and

(4) Any minimum price. After notification, the Administrator will deduct allowances from the appropriate allowance tracking system account from which allowances are being offered.

(d) *Conduct of the auctions.* (1) The Administrator will rank all bids in descending order of bid price starting with the highest. Allowances will be sold from the auction subaccount in this order at the amounts specified in the bids until there are no allowances in the subaccount. Following such sales, the Administrator will sell allowances offered by authorized account representatives, beginning with those offered at the lowest minimum price. The lowest minimum priced allowances will be matched with the highest bid remaining after the auction subaccount is exhausted. Sales of offered allowances, including, but not limited to, allowances offered by more than one seller with the same minimum bid price, will continue in ascending order of minimum price, starting with the lowest, and descending order of remaining bids, starting with the highest, until

(i) All allowances are sold,

(ii) No bids remain, or

(iii) Prices of remaining bids do not meet minimum prices required in remaining offers.

(2) In the event that there is more than one bid offering the same price and the total number of allowances requested in all such bids exceeds the number of allowances remaining, the Administrator will award the remaining allowances by lottery.

(3) In the event that fewer allowances remain than are requested in a bid, the Administrator will sell such remaining allowances to the bidder provided that

pursuant to § 73.71(b)(4), the bid states the bidder's willingness to purchase fewer allowances than requested in the bid.

(e) *Announcement of results.* Following each auction, the Administrator shall publish the names of all bidders and their bids and the lowest price at which allowances are sold. The Administrator will inform all parties of the results of each auction through the allowance tracking system. The results shall also be published in the **Federal Register** and in the Commerce Business Daily.

(f) *Transfer of allowances.* Allowances will be transferred from the auction subaccount and sellers' allowance tracking system accounts to the accounts of successful bidders as soon as the auction is completed.

(g) *Return of Unsuccessful Bids.* The Administrator will return payment to unsuccessful bidders and to bidders unwilling to purchase fewer allowances than requested, following the conclusion of each auction.

(h) *Transfer of Proceeds.* The Administrator will return all proceeds from the auction as follows:

(1) Allowances auctioned from the subaccount. Not later than 90 days following each auction, the Administrator will pay a pro rata share of the proceeds of each auction to the authorized account representative of each unit from whose annual allowance allocation, allowances were withheld for the purposes of establishing the auction subaccount. Each unit's pro rata share shall be calculated as follows for each allowance year:

Total proceeds of allowances from auction subaccount × Allowances withheld ÷ Total amount in auction subaccount

(Proceeds will be rounded to the nearest dollar)

(2) Allowances contributed from others. Not later than 90 days following each auction, the Administrator will transfer the full amount of the proceeds of each sale of allowances offered by authorized account representatives to such representatives. Proceeds from the sale of allowances that were offered with the same specified minimum price will be distributed according to each such seller's pro rata share of the sale of such allowances.

(3) The Administrator will pay no interest on any payment made pursuant to paragraphs (h) (1) and (2) of this section.

(i) *Return of unsold allowances.* The Administrator will return all unsold allowances from the auction as follows:

(1) Allowances auctioned from the subaccount. At the conclusion of each auction, the Administrator will transfer to the allowance tracking system account of each unit specified in paragraph (h)(1) of this section its pro rata share of any allowances remaining in the auction subaccount. Each unit's pro rata share shall be calculated as follows:

Remaining allowances in the auction subaccount × Allowances withheld ÷ Total amount in auction subaccount

(Allowances will be rounded to the nearest allowance)

(2) Allowances contributed from others. At the conclusion of each auction, the Administrator will returned any unsold allowances to contributors' accounts in the allowance tracking system. Any unsold allowances that were offered with the same specified minimum price will be distributed according to each such seller's pro rata share of the offer of such allowances.

§ 73.71 Bidding.

(a) *Who may participate in the auctions.* Any person may participate in the auctions by submitting a bid or bids pursuant to this section.

(b) *Bidding.* Sealed bids shall be sent to EPA using the Bid Form for SO_2 Allowance Auctions, or some method of electronic transfer, which the Administrator, following public notice, may require or permit at some future time. The Bid Form shall state:

(1) The number of allowances sought and the price;

(2) Whether spot or advance allowances are sought;

(3) Allowance tracking system account number;

(4) Whether the bidder is willing to purchase fewer allowance than the number of allowances stated in paragraph (b)(1) of this section, if the full amount stated in paragraph (b)(1) of this section is not available.

Where the bidder holds no allowance tracking system account, an Allowance Tracking System New Account Form must accompany the bid. New account information shall include at a minimum: name, address, telephone number, facsimile number, organization or company name (if applicable), type of organization, and the authorized account representative for purposes of the account.

(c) *Payment.* Each bid must include a certified check or letter of credit for the total bid price, or may specify a method of electronic transfer or other method of payment, which the Administrator, following public notice, may require or permit at some future time. Methods of payment should be made payable to the U.S. EPA. To qualify as a letter of credit for purposes of this subsection, such instrument must ensure that EPA will receive full payment for allowances awarded at the auctions no later than 24 hours after the results of the auction are announced in the allowance tracking system.

(d) *Bid amount and number of bids.* No bid may request a number of allowances greater than the amount of allowances available for auction. Any person may submit more than one bid in each auction, provided that each bid meets the requirements of this section.

(e) *Deadline for bids.* All bids must be received by EPA no later than 3 business days prior to the date of the auctions.

§ 73.72 Direct sales.

(a) *Allowances to be sold.* The Administrator will sell allowances every year according to the following schedule:

TABLE 1—ALLOWANCE SCHEDULE FOR THE DIRECT SALE

Year of purchase	Spot sale	Advance sale
1993		[1] 25,000
1994		[1] 25,000
1995		[1] 25,000
1996		[1] 25,000
1997		[1] 25,000
1998		[1] 25,000
1999		[1] 25,000
2000 and after	25,000	[1] 25,000

[1] Not useable until 7 years after purchase.

(b) *Adjustment of the direct sale schedule.* The schedule listed in subsection (a) will be adjusted to reflect allowances subject to IPP written guarantees pursuant to Sec. 73.76.

(c) *Price.* Allowances in the direct sale shall be sold at $1,500 per allowance, adjusted by the Consumer Price Index (CPI). The following formula shall be used each year to calculate the price:

$$\$1,500 \times \left[1 + \frac{CPI(year) - CPI(1990)}{CPI(1990)}\right]$$

(d) *Form and timing of the direct sale.* The direct sale will begin on June 1st of each calendar year and continue until the compliance transfer deadline. (If June 1st falls on a non-business day (*i.e.* a holiday or week-end), the direct sale will begin on the next business day following June 1st.)

(e) *Who may purchase from the direct sale.* Any person may apply to purchase allowances from the direct sale.

(f) *Amount allowed to purchase.* No applicant may request to purchase a number of allowances greater than the amount available for sale in the direct sale subaccount.

(g) *Request to purchase allowances.* Applicants must submit the Direct Sale Application Form to request to purchase allowances from EPA which shall state:

(1) The number of allowances sought;

(2) Whether spot or advance allowances are sought;

(3) Allowance tracking system account number;

(4) Whether the applicant is willing to purchase fewer allowances than the number of allowances stated in paragraph (g)(1) of this section if the full amount stated in paragraph (g)(1) at this section is not available.

Where the bidder holds no allowance tracking system account, an Allowance Tracking System New Account Form must accompany the bid. New account information shall include at a minimum: name, address, telephone number, facsimile number, organization or company name (if applicable), type of organization, and the authorized account representative for purposes of the account.

(h) *First come, first served.* Applications shall be approved in order of receipt, indicated by the date and time stamped on the applications upon their arrival at EPA.

(i) *Partial fulfillment of requests.* In the event the number of allowances stated in a request for approval exceeds the number of allowances remaining in the direct sale subaccount, the Administrator will approve the request for the number of allowances remaining, provided that, pursuant to paragraph (g)(4) of this section, the application states the applicant's willingness to purchase fewer allowances than the number stated in their application. In all other cases, the Administrator will disapprove the request.

(j) *Notification of approval.* After approving an application, the Administrator will notify the applicant of the amount and type of allowances which may be purchased, the date on which the approval was made, the exact price of allowances for purchase from the direct sale, and instructions for making payment.

(k) *Payment.* Applicants shall submit 50% of the total purchase price by six months after the date of approval of their request to purchase. The remaining 50% shall be paid on or before the last compliance transfer deadline. In the event that approval is granted less than six months before the last day of the direct sale, full payment shall be made on or before the last day of the sale. The Administrator will terminate the approval of any request to purchase upon failure to pay the 50% deposit within six months. Upon failure to submit timely payment for the remaining balance, the Administrator will terminate the sale and the deposit will be forfeited. The 50% deposit and the final payment shall be made by certified check or by some method of electronic transfer or other instrument, which the Administrator, following public notice, may require or permit at some future time. The method of payment should be made payable to the U.S. EPA.

(l) *Oversubscription to the direct sales program.* Applications received after all allowances in the direct sale subaccount are subject to approved applications shall be included on a waiting list and ranked in order of receipt. In the event that an approved application is terminated pursuant to paragraph (k) of this section, applications on the waiting list shall be approved according to the order in which they are ranked, subject to paragraph (i) of this section.

(m) *Transfer of allowances.* Allowances shall be transferred to purchasers' allowance tracking system accounts from the direct sale subaccount as soon as full payment is received.

(n) *Transfer of proceeds.* Not later than 90 days after the conclusion of the direct sale, the Administrator will pay a pro rata share of the total proceeds of the direct sale (including forfeited deposits) to the authorized account representatives of each unit from whose annual allocation allowances are withheld for the purposes of establishing the direct sale subaccount. Each unit's pro rata share will be calculated as follows:

Total proceeds of allowances from direct sale times Allowances withheld divided by Total amount in direct sale subaccount

(Proceeds will be rounded to the nearest dollar and the Administrator will pay no interest on such payment)

(o) *Unsold allowances in the direct sale subaccount.* If allowances remain in the direct sale subaccount after the direct sale has ended, the Administrator will transfer the allowances to the auction subaccount. All allowances remaining from the spot sale will be sold in the spot auction in the following year. Advance allowances transferred from the direct sale shall be sold as spot allowances when the allowances become useable according to their compliance use dates.

§ 73.73 Independent power producers written guarantee.

(a) *Nature of guarantee.* The written guarantee is a right to purchase allowances from the direct sale subaccount for $1,500 (CPI adjusted) prior to the time in each calendar year that such allowances are offered for sale to others.

(b) *Issuance of a guarantee.* Guarantees shall be issued *for* a unit and not *to* the unit's owners and may only be conveyed with the unit itself.

(c) *Yearly total amount guaranteed.* The number of allowances subject to such written guarantees each year shall be equal to the total number of allowances in the Direct Sales Subaccount for that year (50,000).

(d) *Duration of the guarantee.* Applicants may request a guarantee for the useful life of the unit, up to 30 years, beginning in the year 2000.

(e) *Termination of the Written Guarantee.* The Administrator will terminate a written guarantee if the unit for which a guarantee is issued has not commenced commercial operation by January 1, 2000 or within two years of the planned start-up date of the unit, whichever is later, or if the holder of the guarantee fails to make a continuing good faith effort to obtain allowances, including participation in the annual auctions, as required under Section 416(c)(4) of the Act. The Administrator will also terminate a guarantee if the holder of the guarantee fails to notify

EPA of the continued need for the guarantee pursuant to § 73.75(e).

§ 73.74 Application for a written guarantee.

(a) *Application requirements.* Qualified applicants shall demonstrate the following by filling out the Application For An IPP Written Guarantee For SO2 Allowances.

(1) Qualified applicant. Each applicant shall certify that it meets the criteria set forth in the definition of qualified applicant and, where applicable, submit a certified statement from a senior manager of its affiliate that it cannot supply the required allowances.

(2) Proof of "propose to construct" a new qualified unit. Each applicant shall demonstrate any *one* of the following:

(i) That it has been selected as a winning bidder in a utility competitive bid solicitation;

(ii) That it has entered into a fully binding power sales agreement;

(iii) That it has entered into a fully binding fuel supply agreement;

(iv) That it has received a site lease or proof of land acquisition;

(v) That it has entered into a fully binding steam sales agreement; or

(vi) That it has submitted a complete environmental permit application or has received such a permit. Each applicant shall submit the relevant document in support of the demonstration.

If the document is longer than 10 pages, only the signature page(s) and the first 10 pages of the document shall be submitted.

(3) Pledge to apply for financing. The applicant shall certify that it will apply for, or has applied for, financing for the unit before the date of the 1993 auction.

(4) Submission of written offers at $750. The applicant shall certify that it has made offers to purchase allowances at $750 each from all Phase I utilities, but that it received no unconditional acceptances within 180 days from the date on which each offer was made.

(5) Other information required. The applicant shall submit information for the unit:

(i) The proposed location (complete address);

(ii) The proposed production capacity and fuel source;

(iii) Sulfur dioxide emissions limits under which the unit will be required to operate;

(iv) Projected annual emissions of sulfur dioxide;

(v) Annual allowances requested; and

(vi) The proposed date on which the unit will commence commercial operation and its expected operating lifetime.

(b) *Application submitted after the 1993 Auction.* An application may be submitted after the auction date in 1993 provided that it meets all the requirements of paragraph (b) of this section and includes the name of the financial entity(ies) to whom application for financing was made.

(c) *Submittal location.* Completed applications shall be submitted to:

U.S. Environmental Protection Agency, Acid Rain Division (ANR–445), 401 M Street, SW., Washington, D.C. 20460, Attn: IPP Written Guarantee.

(d) *Certification.* Certification of all requirements shall be made by a responsible official upon his/her verification of all information and documentation submitted. Changes to the responsible official must be made in writing to EPA.

(e) *Recordkeeping requirements.* Applicants shall maintain and make available to EPA, at the Administrator's request, copies of the $750 written offers to phase I utilities, any responses to such offers, and copies of project milestones that have been attained. Holders of written guarantees shall retain copies of their bids in the annual auctions and any written offers made to other allowance holders and shall make such documents available to EPA at the Administrator's request.

§ 73.75 Approval and exercise of guarantee.

(a) *First come, first served.* The Administrator will process and approve or disapprove in whole or in part all applications received on or after the effective date of the regulations. The Administrator will issue guarantees pursuant to approved applications according to the order in which applications are received.

(b) *Oversubscription to the IPP Written Guarantee program.* Applications received after all allowances in the direct sale subaccount have become subject to written guarantees shall be included on a waiting list and ranked in order of receipt. In the event that an IPP guarantee is terminated pursuant to § 73.73(e), the Administrator will process applications on the waiting list and will issue guarantees pursuant to any approved application.

(c) *Deficient applications.* The Administrator will return applications that fail to meet the requirements set forth in § 73.74 (a), and (b) if applicable. Revised applications will be processed according to the date on which such revised applications are filed.

(d) *Notification of approval.* The Administrator will issue written guarantees pursuant to approved applications within 30 days of receipt, provided that a sufficient number of allowances remain in the direct sale subaccount at the time the application is processed.

(e) *Certification of continued need for the guarantee.* Responsible officials of units for which guarantees are issued shall notify the Administrator as soon as the project for which allowances are guaranteed is no longer in need of those allowances, including, but not limited to, as a result of the acquisition of allowances for such units. Upon notification of the acquisition of allowances, the Administrator will deduct the amount acquired from the original amount guaranteed. Such notification shall be in writing and signed by the responsible official. Each responsible official shall also certify where appropriate, that the unit continues to require guaranteed allowances pursuant to § 73.74. This certification shall be in writing, signed by the responsible official, and received by EPA no later than June 30 and December 31 in 1992 and no later than December 31 of each year thereafter. The Administrator may terminate, pursuant to § 73.74(d), any guarantee that lacks a certification.

(f) *Exercise of guarantee.* Allowances may be purchased in each year for those years in which the guarantee has been issued provided that they are purchased for the unit for which the guarantee has been issued. In any year, the responsible official of a unit for which a guarantee is issued may purchase any number of allowances up to the maximum number specified yearly in the guarantee. Allowances purchased through guarantees shall be fully transferable.

(1) Notification and response. To exercise a written guarantee, the responsible official shall notify EPA of the number of allowances to be purchased. Such notification shall be in writing and signed by the responsible official pursuant to §73.74(d). The Administrator will respond to the notification within 5 business days after receipt by sending the responsible official a statement of the exact price for the allowances and where to send payment. If the responsible official does not have an account in the allowance tracking system, the allowance Tracking System New Account Form shall be completed and mailed with payment.

(2) Payment. Responsible officials shall purchase allowances by certified check for the total amount or by some method of electronic transfer or other instrument, which the Administrator, following public notice, may require or

permit at some future time. Checks shall be made payable to U.S. EPA.

(3) Time period to exercise. Notification to exercise a guarantee shall be received by EPA no later than April 15th (or the first business day following April 15th if April 15th is a non-business day) of the calendar year in which allowances are to be purchased. Payment for allowances shall be received by EPA no later than May 15th (or the first business day following May 15th if May 15th is a non-business day) of that same year. If the direct sales program has been terminated pursuant to section 416(c)(7) of the Act, notification and payment may occur at any time prior to the compliance transfer deadline for each year in which allowances are to be purchased.

(g) *Transfer of allowances.* Allowances shall be transferred into the unit's allowance system account as soon as full payment is received.

(h) *Transfer of proceeds.* The Administrator will pay all proceeds from the exercise of written guarantees pursuant to § 73.72(n).

§ 73.76 Independent power producers written guarantee relationship to the direct sale subaccount.

(a) *Reserving allowances in the direct sale subaccount.* The Administrator will make available up to 50,000 yearly allowances in the direct sales subaccount for written guarantees. The Administrator will first reserve for IPP guarantees the 25,000 allowances in the advance sale category. If more than 25,000 allowances are subject to guarantees, the excess allowances needed will be reserved from the spot allowance category, up to 25,000

(b) *Adjustment of the direct sale schedule.* If fewer than 25,000 allowances are subject to written guarantees for any year from 2000 through 2006, any remaining allowances will be sold in the advance sale seven years preceding that year. If more than 25,000 allowances are reserved for written guarantees for 2000 through 2006, the direct sale will begin in the year 2000 and will consist of spot sales of allowances not sold pursuant to written guarantees.

(c) *Termination of the direct sale.* Termination of the direct sale shall not affect IPP written guarantees; guarantees shall last for the operating life of the unit or 30 years, whichever is shorter, unless terminated for other reasons.

(d) *Guaranteed allowances not sold.* If a responsible official of a unit for which a guarantee is issued chooses not to exercise its guarantee for the year in which allowances are reserved, the allowances shall be offered for sale in the direct sale beginning on July 1st. In the event the direct sale is terminated, any unsold allowances shall be transferred to the Auction Subaccount pursuant to § 73.72(o).

Subpart E—Conservation and Renewable Energy Reserve

§§ 73.80–73.89 [Reserved]

[FR Doc. 91–12156 Filed 5–22–91; 8:45 am]
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federal register

Thursday
May 23, 1991

Part IV

Department of Defense
General Services Administration
National Aeronautics and Space Administration

48 CFR Parts 15 and 52
Federal Acquisition Regulation (FAR): Contractor Ownership Changes; Notification; Proposed Rule

Federal Acquisition Regulation (FAR): Agency Information Collection Activities Under OMB Review; Notice

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 15 and 52

[FAR Case 91-20]

Federal Acquisition Regulation (FAR); Notification of Ownership Changes

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering revising FAR 15.804–8 and 52.215 to set forth a new requirement to notify the Government of changes in contractor ownership and their effects, and to emphasize existing recordkeeping requirements. The proposed change is intended to assure that the Government receives timely notification of planned and completed ownership changes and any cost increases which might result therefrom. It also assures that pre-ownership-change net book values are preserved, enabling audit verification that such increases are not charged to Government contracts.

DATES: Comments should be submitted to the FAR Secretariat at the address shown below on or before July 22, 1991 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th and F Streets, NW., room 4041, Washington, DC 20405. Please cite FAR Case 91–20 in all correspondence related to this issue. For information pertaining to this case, call Mr. Jeremy Olson at (202) 501–3221.

FOR FURTHER INFORMATION CONTACT: Ms. Beverly Fayson, FAR Secretariat, room 4041, GS Building, Washington, DC 20405, (202) 501–4755. Please cite FAR Case 91–20.

SUPPLEMENTARY INFORMATION:

A. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, because most contracts awarded to small entities are awarded on a competitive, fixed-price basis and the requirement contained in FAR 15.804–8 would not apply. An Initial Regulatory Flexibility Act analysis, therefore, has not been performed. Comments from small entities concerning the affected FAR subpart will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite 5 U.S.C. 601 (FAR Case 91–20) in correspondence.

B. Paperwork Reduction Act

The Paperwork Reduction Act (Pub. L. 96–511) is deemed to apply because the proposed rule contains information collection requirements. Accordingly, a request for approval of a new information collection requirement concerning Notification of Ownership Changes is being submitted to the Office of Management and Budget under 44 U.S.C. 3501, *et seq.* Public comments concerning this request will be invited through a subsequent **Federal Register** notice.

List of Subjects in 48 CFR Parts 15 and 52

Government procurement.

Dated: May 15, 1991.

Albert A. Vicchiolla,

Director, Office of Federal Acquisition Policy.

Therefore, it is proposed that 48 CFR parts 15 and 52 be amended as set forth below:

1. The authority citation for 48 CFR parts 15 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. chapter 137; and 42 U.S.C. 2473(c).

PART 15—CONTRACTING BY NEGOTIATION

2. Section 15.804–8 is amended by adding paragraph (g) to read as follows:

15.804–8 Contract clauses.

* * * * *

(g) *Notification of ownership changes.* The contracting officer shall insert the clause at 52.215–39, Notification of Ownership Changes, in solicitations and contracts for which it is contemplated that certified cost or pricing data will be required or for which any preaward or postaward cost determination will be subject to subpart 31.2.

PART 52—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 52.215–39 is added to read as follows:

52.215–39 Notification of Ownership Changes.

As prescribed in 15.804–8(g), insert the following clause:

NOTIFICATION OF OWNERSHIP CHANGES (APR 1991)

(a) The Contractor shall make the following notifications:

(1) When the Contractor becomes aware that a change in its ownership has occurred, or is certain to occur, which could result in increases in the valuation of its amortizable and depreciable assets in the accounting records, the Contractor shall notify the Administrative Contracting Officer (ACO) in writing within 30 days.

(2) The Contractor shall also notify the ACO within 30 days whenever asset valuation increases or any other cost increases related to a change of ownership have occurred or are certain to occur.

(b) The Contractor shall maintain current, accurate, and complete inventory records of assets and their costs, provide the ACO or designated representative ready access to the records upon request, and ensure that all amortizable and depreciable asset identities and their recorded costs and accumulated depreciation or amoritization can be identified accurately prior and subsequent to all ownership changes. The Contractor shall include the substance of this clause in all subcontracts under this contract which meet the applicability requirement of FAR 15.804–8(g).

(End of clause)

[FR Doc. 91–12206 Filed 5–22–91; 8:45 am]

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DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[FAR Case 91-20]

OMB Clearance Request for Notification of Ownership Changes

AGENCIES: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to approve a new information collection requirement concerning Notification of Ownership Changes.

ADDRESSES: Send comments to Ms. Maya Bernstein, FAR Desk Officer, OMB, room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. Jeremy F. Olson, Office of Federal Acquisition Policy, (202) 501–3221, or Mr. Eric Mens, Defense Acquisition Regulations Council, (703) 697–7268.

SUPPLEMENTARY INFORMATION:

a. *Purpose:* Allowable costs of assets are limited in the event of change in ownership of a contractor. The Government often does not receive adequate and timely notice of this event.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, *100*; responses per respondent, *1*; total annual responses, *100*; preparation hours per response, *1*; and total response burden hours, *100*.

c. *Annual recordkeeping burden:* The annual recordkeeping burden is estimated as follows: Recordkeepers, *100*; hours per recordkeeper, *.25*; and total recordkeeping burden hours, *25*.

Obtaining Copies of Proposals: Requester may obtain copies from the General Services Administration, FAR Secretariat (VRS), room 4041, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Clearance Request for Notification of Ownership Changes.

Dated: May 15, 1991.

Beverly Fayson,

FAR Secretariat.

[FR Doc. 91–12207 Filed 5–22–91; 8:45 am]

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federal register

Thursday
May 23, 1991

Part V

Environmental Protection Agency

40 CFR Part 721

Significant New Uses of Certain Chemical Substances; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPTS-50584A; FRL-3873-3]

RIN 2070-AB27

Significant New Uses of Certain Chemical Substances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is promulgating a significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for several chemical substances which were the subject of premanufacture notices (PMNs), and are subject to TSCA section 5(e) consent orders issued by EPA. This rule requires certain persons who intend to manufacture, import, or process these substances for a significant new use to notify EPA at least 90 days before commencing the manufacturing or processing activity designated by this SNUR as a significant new use. The required notice would provide EPA with the opportunity to evaluate the intended use and, if necessary, to prohibit or limit that activity before it can occur.

EFFECTIVE DATE: The effective date of this rule is July 22, 1991.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, rm. EB-543-B, 401 M St., SW., Washington, DC 20460, telephone: (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: This SNUR will require persons to notify EPA at least 90 days before commencing any activity designated by this SNUR as a significant new use. The supporting rationale and background to this rule are more fully set out in the preamble to EPA's first SNURs issued under the Expedited Follow-Up Rule and published at 55 FR 17376 on April 24, 1990. Consult that preamble for further information on the objectives, rationale, and procedures for the rules and on the basis for significant new use designations including provisions for developing test data.

I. Authority

Section 5(a)(2) of TSCA (15 U.S.C. 2604(a)(2)) authorizes EPA to determine that a use of a chemical substance is a "significant new use." EPA must make this determination by rule after considering all relevant factors, including those listed in section 5(a)(2). Once EPA determines that a use of a chemical substance is a significant new use, section 5(a)(1)(B) of TSCA requires persons to submit a notice to EPA at least 90 days before they manufacture, import, or process the substance for that use. The mechanism for reporting under this requirement is established under § 721.10.

II. Applicability of General Provisions

General provisions for SNURs appear under subpart A of 40 CFR part 721. These provisions describe persons subject to the rule, recordkeeping requirements, exemptions to reporting requirements, and applicability of the rule to uses occurring before the effective date of the final rule. Rules on user fees appear at 40 CFR part 700. Persons subject to this SNUR must comply with the same notice requirements and EPA regulatory procedures as submitters of PMNs under section 5(a)(1)(A) of TSCA. In particular, these requirements include the information submission requirements of section 5(b) and 5(d)(1), the exemptions authorized by section 5(h)(1), (2), (3), and (5), and the regulations at 40 CFR part 720. Once EPA receives a SNUR notice, EPA may take regulatory action under sections 5(e), 5(f), 6, or 7 to control the activities on which it has received the SNUR notice. If EPA does not take action, EPA is required under section 5(g) to explain in the Federal Register its reasons for not taking action. Persons who intend to export a substance identified in a proposed or final SNUR are subject to the export notification provisions of TSCA section 12(b). The regulations that interpret section 12(b) appear at 40 CFR part 707.

III. Background

The Agency proposed a SNUR for these substances which was published in the Federal Register of September 28, 1990 (55 FR 39882). The background of each PMN and the reasons for proposing the SNUR are set forth in the preamble to the proposed rule.

EPA received comments from only one person, the original PMN submitter for all the chemical substances regulated by this SNUR. The PMN submitter is subject to a section 5(e) consent order for each chemical substance. There were two comments which apply generally to the entire rule. First the commenter stated that there were several instances where the section 5(e) consent orders and the SNUR terms were different. The commenter then asked whether, if by adhering to a particular term of the section 5(e) consent orders a significant new use under the terms of the SNUR would occur, the company would be required to notify EPA through a significant new use notice.

According to § 721.45(i) anyone subject to a section 5(e) consent order which is different from a specific significant new use as identified in subpart E of part 721, who is abiding by the terms of that order is exempt from filing significant new use notification for that specific significant new use. In effect, if someone who is subject to a section 5(e) consent order for a chemical substance complies with that section 5(e) consent order, they are exempt from filing any significant new use notification for that substance except as to uses which are not addressed by the consent order.

The commenter also asked EPA to clarify what would constitute a significant new use of a substance under the proposed rule. A significant new use is defined as any use other that those uses identified in part 721 subpart E for each substance. As an example, in the new § 721.1835 in this final rule it is a significant new use to manufacture or process the specific substance, without establishing a protection in the workplace program as described in § 721.1835(a)(i)(A). There are several exceptions to what constitutes a significant new use, including the exception discussed above for those persons subject to a section 5(e) consent order, discussed in § 721.45. For example, as discussed below, the relevant section 5(e) order allows the use of certain respiratory protection measures (specifically, a Category 23C respirator with a half-facepiece and chemical safety goggles) that differ from the terms of § 721.1835(a)(i)(A). The original submitter is exempt from submitting a significant new use notice for the specific respiratory protection measures addressed in the order.

There were several comments regarding inconsistent requirements for respirators in the section 5(e) consent orders versus the SNUR. In general the commenter stated that the section 5(e) consent orders permitted use of Category 23C respirators equipped with acid gas/organic vapor cartridges while the SNUR would require organic gas/vapor cartridges. In particular the commenter noted that section (a)(5)(ii) of the consent orders allows use of a half-facepiece respirator with chemical safety goggles while this practice did not appear in the SNUR. The commenter also noted that for P-86-838, § 721.1840, the 5(e) consent order mandates Category 21C respirators but the SNUR lists Category 23C respirators.

The Agency agrees that the respirators that offer the best protection for P–86–838 are the Category 21C respirators. The respiratory protection requirements in § 721.63 referenced for P–86–838 will contain Category 21C respirators.

Acid gas cartridges will not be required in cases of respiratory protection in the SNUR. The minimal respiratory requirement will be organic vapor cartridges or particulate cartridges (as appropriate) which best reflect the terms of the section 5(e) consent orders. An acid gas/organic vapor cartridge is required only in the consent orders for a Category 23C respirator where the respirator may be equipped with a full facepiece or a half-facepiece with chemical safety goggles. Under all other respiratory protection terms of the SNUR or the consent orders the addition of an acid gas cartridge is permitted but is not required.

EPA has permitted the original submitter in the section 5(e) consent orders to substitute a Category 23C respirator equipped with a half-facepiece with chemical safety goggles for one equipped with a full facepiece based on the information in the original PMN submissions and the fact that the respirator would require an acid gas cartridge. However, EPA believes the best approximation of those consent order terms is to require the organic vapor cartridge respirator equipped with a full facepiece and evaluate significant new uses of other manufacturers and processors on a case-by-case basis.

The commenter noted that the section 5(e) consent orders exclude the use of impervious suits and respiratory protection during sampling operations where either enclosed vented sample boxes or tufline valves are used. The SNUR only excludes impervious suits when using enclosed vented sample boxes. EPA allowed the exclusions in the section 5(e) orders based not only on the sample boxes or tufline valves but on the entire manufacturing process as described in the PMNs. EPA believes that exclusions other than those in the proposed SNUR should be allowed only after review of the manufacturing, processing, or use of the substances in a significant new use notice.

Several comments were made pertaining to the disposal and release to water sections of the proposed SNUR. It was stated that the SNUR permitted the option of chemical destruction or carbon adsorption instead of requiring chemical destruction or, when necessary to ensure complete destruction of the PMN substance, chemical destruction and carbon adsorption as in the section 5(e) orders. EPA agrees that the SNUR should reflect exactly those requirements in the orders and has changed them accordingly.

The commenter stated that the section 5(e) orders contain five options of disposal and one release to water option but the proposed SNUR contains only three disposal options and three release to water options. The six options in the section 5(e) order are the same as the six options in this SNUR. The only difference is the way the options are named. The regulatory requirements are the same whether they are labeled disposal or release to water.

One comment noted that the section 5(e) consent orders specifically permitted the use of test data from analogous chemicals for establishing data relating to imperviousness for protective clothing but § 721.63 referenced in the proposed SNUR did not and requested that the SNUR be changed. EPA believes that § 721.63 adequately reflects the terms of the section 5(e) orders because § 721.63 does allow companies to use test data from analogous chemicals. The language contained in these orders was a vestige from orders negotiated before the use of the generic language contained in § 721.63, and was retained at the request of the original PMN submitter. EPA has always interpreted the language in § 721.63 (a)(3) to permit the use of test data from analogous chemicals. In fact the language in § 721.63 allows the regulated community latitude in deciding what data are necessary to demonstrate imperviousness of a certain material to a particular substance.

The final comment concerns the requirement in the section 5(e) orders, effective 75 days after the final SNUR is issued, that the original PMN submitter must notify each person to whom it distributes the cleaned KCl byproduct of the PMN substances which may contain trace amounts of the PMN substances. EPA was asked to justify why no similar limitations are placed on other companies. According to § 721.5(a)(2) any manufacturer or processor of substances identified in subpart E of part 721, such as the substances in this rule, must either notify recipients of the PMN substances of the final SNUR or have knowledge that those recipients already know about the SNUR or cannot undertake any significant new uses identified in the SNUR. If recipients are not going to be informed then the manufacturer or processor must submit a significant new use notice to EPA before engaging in such activity. EPA expects that when a manufacturer or processor knowingly distributes these PMN substances, even in trace amounts, they will notify the recipients. As the general requirement for any SNUR in subpart E of part 721 is approximately the same as the requirement in the section 5(e) orders EPA finds no inconsistency.

IV. Objectives and Rationale of the Rule

During review of the PMNs submitted for the chemical substances that are subject to this SNUR, EPA concluded that regulation was warranted under section 5(e) of TSCA pending the development of information sufficient to make a reasoned evaluation of the health or environmental effects of the substance. The basis for such findings for these substances is outlined in the preamble of the proposed rule for these substances. Based on these findings, a section 5(e) consent order requiring the use of appropriate controls was negotiated with the PMN submitter, and the SNUR for such substance is consistent with the provisions of the section 5(e) order as discussed above.

EPA is promulgating this SNUR for 16 specific chemical substances which have undergone premanufacture review to ensure the following objectives: (1) EPA will receive notice of any company's intent to manufacture, import, or process a listed chemical substance for a significant new use before that activity begins; (2) EPA will have an opportunity to review and evaluate data submitted in a SNUR notice before the notice submitter begins manufacturing, importing, or processing a listed chemical substance for a significant new use; (3) when necessary to prevent unreasonable risks, EPA will be able to regulate prospective manufacturers, importers, or processors of a listed chemical substance before a significant new use of that substance occurs; and (4) all manufacturers, importers, and processors of the same chemical substance which is subject to a section 5(e) order are subject to similar requirements.

V. Test Data and Other Information

EPA recognizes that section 5 of TSCA does not require persons to develop any particular test data before submission of a SNUR notice. Persons are required only to submit test data in their possession or control and to describe any other data known to or reasonably ascertainable by them. The studies specified in each section 5(e) order may not be the only means of addressing the potential risks of the substance. SNUR notice submitters should be aware that the Agency will be better able to evaluate SNUR notices which provide detailed information on: (1) Human exposure and environmental

release that may result from the significant new use of the chemical substances; (2) potential benefits of the substances; and (3) information on risks posed by the substances compared to risks posed by potential substitutes.

VI. Applicability of Proposed Rule to Uses Occurring Before Effective Date of the Final Rule

For a use to be a significant "new" use, EPA must determine that the use is not ongoing. When the PMN submitter begins manufacture or import of the substances, the submitter must send EPA a Notice of Commencement of Manufacture/Import and the substances will be added to the Inventory. In those cases where a section 5(e) order has been issued, the notice submitters are prohibited by the section 5(e) orders from undertaking activities which the Agency is designating as significant new uses. In addition, because most of these substances have confidential chemical identities and only a very few *bona fide* inquiries have been received for substances that have undergone PMN review, there is little chance that others are undertaking activities which the Agency is designating as a significant new use. Therefore, at this time, EPA has concluded that the uses are not ongoing. However, EPA recognizes in cases when chemical substances identified in this SNUR are added to the Inventory prior to the promulgation of the SNUR, the substances may be manufactured, imported, or processed by other persons for a significant new use as defined in this rule before promulgation of the rule.

EPA has decided that the intent of section 5(a)(1)(B) is best served by designating a use as a significant new use as of the date of proposal rather than as of the effective date of the rules. If uses which had commenced between the date of proposal and the effective date were considered ongoing, rather than new, any person could defeat the SNURs by initiating a significant new use before the effective date. This would make it difficult for EPA to establish SNUR notice requirements.

Thus, persons who begin commercial manufacture, import, or processing of the substances regulated through this SNUR will have to cease any such activity before the effective date of this rule. To resume their activities, these persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expires. EPA, not wishing to unnecessarily disrupt the activities of persons who begin commercial manufacture, import, or processing for a proposed significant new use before the effective date of the SNUR, has promulgated provisions to allow such persons to comply with this proposed SNUR before it is promulgated. If a person were to meet the conditions of advance compliance as codified at § 721.45(h) (53 FR 28354, July 17, 1988), the person will be considered to have met the requirements of the final SNUR for those activities. If persons who begin commercial manufacture, import, or processing of the substance between proposal and the effective date of the SNUR do not meet the conditions of advance compliance, they must cease that activity before the effective date of the rule. To resume their activities, these persons would have to comply with all applicable SNUR notice requirements and wait until the notice review period, including all extensions, expires.

VII. Economic Analysis

EPA has evaluated the potential costs of establishing significant new use notice requirements for potential manufacturers, importers, and processors of the chemical substances contained in this proposed rule. The Agency's complete economic analysis is available in the public record for this rule (OPTS–50584A).

VIII. Rulemaking Record

EPA has established a record for this rulemaking (docket control number OPTS–50584A). The record includes basic information considered by the Agency in developing this rule. A public version of this record, without any confidential business information, is available in the TSCA Public Docket Office from 8 a.m. to noon and 1 p.m. to 4 p.m., Monday through Friday, except legal holidays, in the TSCA Public Docket Office, located at Rm. NE–G004, 401 M St., SW., Washington, DC.

IX. Regulatory Assessment Requirements

A. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a rule is "major" and therefore requires a Regulatory Impact Analysis. EPA has determined that this rule is not a "major" rule because it will not have an effect on the economy of $100 million or more, and it will not have a significant effect on competition, costs, or prices. While there is no precise way to calculate the total annual cost of compliance with this rule, EPA estimates that the cost for submitting a significant new use notice would be approximately $4,500 to $11,000, including a $2,500 user fee payable to EPA to offset EPA costs in processing the notice. EPA believes that, because of the nature of the rule and the substances involved, there will be few significant new use notices submitted. Furthermore, while the expense of a notice and the uncertainty of possible EPA regulation may discourage certain innovation, that impact will be limited because such factors are unlikely to discourage an innovation that has high potential value.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291.

B. Regulatory Flexibility Act

Under the Regulatory Flexibility Act (5 U.S.C. 605(b)), EPA has determined that this rule will not have a significant impact on a substantial number of small businesses. EPA has not determined whether parties affected by this rule will likely be small businesses. However, EPA expects to receive few SNUR notices for the substances. Therefore, EPA believes that the number of small businesses affected by this rule would not be substantial, even if all of the SNUR notice submitters were small firms.

C. Paperwork Reduction Act

The information collection requirements contained in this rule have been approved by OMB under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), and have been assigned OMB control number 2070–0012.

Public reporting burden for this collection of information is estimated to vary from 30 to 170 hours per response, with an average of 100 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Chief, Information Policy Branch, PM–223, U.S. Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked "Attention: Desk Officer for EPA."

List of Subjects in 40 CFR Part 721

Chemicals, Environmental protection, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: May 14, 1991.

Victor J. Kimm,

Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR part 721 is amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 continues to read as follows:

Authority: 15 U.S.C. 2604 AND 2607.

2. By adding new § 721.1835 to subpart E to read as follows:

§ 721.1835 Halogenated pyridines.

(a) *Chemical substances and significant new uses subject to reporting.* (1) The chemical substance identified generically as halogenated pyridine (PMN P–83–1163) is subject to reporting under this section for the significant new uses described in paragraph (a)(1)(i) of this section.

(i) The significant new uses are:

(A) *Protection in the workplace.* The general requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(ii), (a)(2)(iii), (a)(3), (a)(4), (a)(5)(iii), (a)(5)(xii), (a)(5)(xiii), (a)(5)(xiv), (a)(6)(i), (a)(6)(ii), (a)(6)(iii), (a)(6)(iv), (a)(6)(v), (a)(6)(vi), and (c) apply in all cases except that § 721.63(a)(2)(ii) does not apply for reactor sampling operations where enclosed vented sample boxes are used. In addition § 721.63(a)(2)(iv) applies for processing of any byproduct generated during manufacturing, processing, or use of the chemical substance which contain residual amounts of the chemical substance.

(B) *Hazard communication program.* Requirements as specified in § 721.72 (a), (b), (c), (d), (f), (g)(1)(iv), (g)(2)(i), (g)(2)(ii), (g)(2)(iv), (g)(2)(v), (g)(3)(i), (g)(3)(ii), (g)(4)(i), and (g)(5).

(C) *Disposal.* Requirements as specified in § 721.85 (a)(1), (a)(2), (b)(1), (b)(2), (c)(1), and (c)(2). The following additional disposal methods also apply: Chemical destruction or, where necessary to ensure complete destruction of the substance, chemical destruction and carbon adsorption.

(D) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (concentration set at 0.2 ppb), on-site waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

(ii) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(A) *Recordkeeping.* The following recordkeeping requirements are applicable to manufacturers, importers, and processors of this substance: § 721.125(a) through (h), (j), and (k).

(B) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(2) The chemical substances identified generically as halogenated pyridines (PMNs P–85–216, P–85–535, and P–85–536) are subject to reporting under this section for the significant new uses described in paragraph (a)(2)(i) of this section.

(i) The significant new uses are:

(A) *Protection in the workplace.* The general requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(ii), (a)(2)(iii), (a)(3), (a)(4), (a)(5)(iii), (a)(5)(xii), (a)(5)(xiii), (a)(5)(xiv), (a)(6)(i), (a)(6)(ii), (a)(6)(iii), (a)(6)(iv), (a)(6)(v), (a)(6)(vi), and (c) apply in all cases except that § 721.63(a)(2)(ii) does not apply for reactor sampling operations where enclosed vented sample boxes are used. In addition § 721.63(a)(2)(iv) applies for processing of any byproduct generated during manufacturing, processing, or use of the chemical substance which contains residual amounts of the chemical substance.

(B) *Hazard communication program.* Requirements as specified in § 721.85 (a), (b), (c), (d), (f), (g)(1)(iii), (g)(1)(iv), (g)(2)(i), (g)(2)(ii), (g)(2)(iv), (g)(2)(v), (g)(3)(i), (g)(3)(ii), (g)(4)(i), and (g)(5).

(C) *Disposal.* Requirements as specified in § 721.85 (a)(1), (a)(2), (b)(1), (b)(2), (c)(1), and (c)(2). The following additional disposal methods also apply: Chemical destruction or, where necessary to ensure complete destruction of the substance, chemical destruction and carbon adsorption.

(D) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (concentration set at 0.2 ppb), on-site waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

(ii) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(A) *Recordkeeping.* The following recordkeeping requirements are applicable to manufacturers, importers, and processors of this substance: § 721.125(a) through (h), (j), and (k).

(B) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(b) [Reserved]

(Approved by the Office of Management an Budget under OMB control number 2070–0012)

3. By adding new § 721.1840 to subpart E to read as follows:

§721.1840 Halogenated substituted pyridine.

(a) *Chemical substances and significant new uses subject to reporting.* (1) The chemical substance identified generically as halogenated substituted pyridine (PMN P–86–838) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* The general requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(ii), (a)(2)(iii), (a)(3), (a)(4), (a)(5)(iii), (a)(5)(iv), (a)(5)(v), (a)(5)(vi), (a)(6)(i), (a)(6)(ii), (a)(6)(iii), (a)(6)(iv), (a)(6)(v), (a)(6)(vi), and (c) apply in all cases except that § 721.63(a)(2)(ii) does not apply for reactor sampling operations where enclosed vented sample boxes are used. In addition § 721.63(a)(2)(iv) applies for processing of any byproduct generated during manufacturing, processing, or use of the chemical substance which contains residual amounts of the chemical substance.

(ii) *Hazard communication program.* Requirements as specified in § 721.72 (a), (b), (c), (d), (f), (g)(1)(iii), (g)(1)(iv), (g)(1)(vii), (g)(2)(i), (g)(2)(ii), (g)(2)(iv), (g)(2)(v), (g)(3)(i), (g)(3)(ii), (g)(4)(i), and (g)(5).

(iii) *Disposal.* Requirements as specified in § 721.85 (a)(1), (a)(2), (b)(1), (b)(2), (c)(1), and (c)(2). The following additional disposal methods also apply: Chemical destruction or, where necessary to ensure complete destruction of the substance, chemical destruction and carbon adsorption.

(iv) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (concentration set at 1 ppb), on-site waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* The following recordkeeping requirements are applicable to manufacturers, importers, and processors of this substance: § 721.125(a) through (h), (j), and (k).

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(Approved by the Office of Management and Budget under OMB control number 2070–0012)

4. By adding new § 721.1845 to subpart E to read as follows:

§ 721.1845 Substituted pyridines.

(a) *Chemical substances and significant new uses subject to reporting.* (1) The chemical substance identified generically as substituted pyridine (PMN P–84–1219) is subject to reporting under this section for the significant new uses described in paragraph (a)(1)(i) of this section.

(i) The significant new uses are:

(A) *Protection in the workplace.* The general requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(ii), (a)(2)(iii), (a)(3), (a)(4), (a)(5)(iii), (a)(5)(xii), (a)(5)(xiii), (a)(5)(xiv), (a)(6)(i), (a)(6)(ii), (a)(6)(iii), (a)(6)(iv), (a)(6)(v), (a)(6)(vi), and (c) apply in all cases except that § 721.63(a)(2)(ii) does not apply for reactor sampling operations where enclosed vented sample boxes are used. In addition § 721.63(a)(2)(iv) applies for processing of any byproduct generated during manufacturing, processing, or use of the chemical substance which contains residual amounts of the chemical substance.

(B) *Hazard communication program.* Requirements as specified in § 721.72 (a), (b), (c), (d), (f), (g)(1)(iii), (g)(1)(iv), (g)(2)(i), (g)(2)(ii), (g)(2)(iv), (g)(2)(v), (g)(3)(i), (g)(3)(ii), (g)(4)(i), and (g)(5).

(C) *Disposal.* Requirements as specified in § 721.85 (a)(1), (a)(2), (b)(1), (b)(2), (c)(1), and (c)(2). The following additional disposal methods also apply: Chemical destruction or, where necessary to ensure complete destruction of the substance, chemical destruction and carbon adsorption.

(D) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (concentration set at 10 ppb), on-site waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

(ii) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(A) *Recordkeeping.* The following recordkeeping requirements are applicable to manufacturers, importers, and processors of this substance: § 721.125(a) through (h), (j), and (k).

(B) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(2) The chemical substances identified generically as substituted pyridines (PMNs P–85–236 and P–85–706) are subject to reporting under this section for the significant new uses described in paragraph (a)(2)(i) of this section.

(i) The significant new uses are:

(A) *Protection in the workplace.* The general requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(ii), (a)(2)(iii), (a)(3), (a)(4), (a)(5)(iii), (a)(5)(xii), (a)(5)(xiii), (a)(5)(xiv), (a)(6)(i), (a)(6)(ii), (a)(6)(iii), (a)(6)(iv), (a)(6)(v), (a)(6)(vi), and (c) apply in all cases except that § 721.63(a)(2)(ii) does not apply for reactor sampling operations where enclosed vented sample boxes are used. In addition § 721.63(a)(2)(iv) applies for processing of any byproduct generated during manufacturing, processing, or use of the chemical substance which contains residual amounts of the chemical substance.

(B) *Hazard communication program.* Requirements as specified in § 721.72 (a), (b), (c), (d), (f), (g)(1)(iii), (g)(1)(iv), (g)(2)(i), (g)(2)(ii), (g)(2)(iv), (g)(2)(v), (g)(3)(i), (g)(3)(ii), (g)(4)(i), and (g)(5).

(C) *Disposal.* Requirements as specified in § 721.85 (a)(1), (a)(2), (b)(1), (b)(2), (c)(1), and (c)(2). The following additional disposal methods also apply: Chemical destruction or, where necessary to ensure complete destruction of the substance, chemical destruction and carbon adsorption.

(D) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (concentration set at 0.2 ppb), on-site waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

(ii) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(A) *Recordkeeping.* The following recordkeeping requirements are applicable to manufacturers, importers, and processors of this substance: § 721.125(a) through (h), (j), and (k).

(B) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(3) The chemical substance identified generically as substituted pyridine (PMN P–85–36) is subject to reporting under this section for the significant new uses described in paragraph (a)(3)(i) of this section.

(i) The significant new uses are:

(A) *Protection in the workplace.* The general requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(ii), (a)(2)(iii), (a)(3), (a)(4), (a)(5)(iii), (a)(5)(xii), (a)(5)(xiii), (a)(5)(xiv), (a)(6)(i), (a)(6)(ii), (a)(6)(iii), (a)(6)(iv), (a)(6)(v), (a)(6)(vi), and (c) apply in all cases except that § 721.63(a)(2)(ii) does not apply for reactor sampling operations where enclosed vented sample boxes are used. In addition § 721.63(a)(2)(iv) applies for processing of any byproduct generated during manufacturing, processing, or use of the chemical substance which contain residual amounts of the chemical substance.

(B) *Hazard communication program* Requirements as specified in § 721.72 (a), (b), (c), (d), (f), (g)(1)(iii), (g)(1)(iv), (g)(1)(vii), (g)(2)(i), (g)(2)(ii), (g)(2)(iv), (g)(2)(v), (g)(3)(i), (g)(3)(ii), (g)(4)(i), and (g)(5).

(C) *Disposal.* Requirements as specified in § 721.85 (a)(1), (a)(2), (b)(1), (b)(2), (c)(1), and (c)(2). The following additional disposal methods also apply: Chemical destruction or, where necessary to ensure complete destruction of the substance, chemical destruction and carbon adsorption.

(D) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (concentration set at 10 ppb), on-site waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

(ii) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(A) *Recordkeeping.* The following recordkeeping requirements are applicable to manufacturers, importers, and processors of this substance: § 721.125(a) through (h), (j), and (k).

(B) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(4) The chemical substance identified generically as substituted pyridine (PMN P–85–1184) is subject to reporting under this section for the significant new uses

described in paragraph (a)(4)(i) of this section.

(i) The significant new uses are:

(A) *Protection in the workplace.* The general requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(ii), (a)(2)(iii), (a)(3), (a)(4), (a)(5)(iii), (a)(5)(xii), (a)(5)(xiii), (a)(5)(xiv), (a)(6)(i), (a)(6)(ii), (a)(6)(iii), (a)(6)(iv), (a)(6)(v), (a)(6)(vi), and (c) apply in all cases except that § 721.63(a)(2)(ii) does not apply for reactor sampling operations where enclosed vented sample boxes are used. In addition § 721.63(a)(2)(iv) applies for processing of any byproduct generated during manufacturing, processing, or use of the chemical substance which contains residual amounts of the chemical substance.

(B) *Hazard communication program.* Requirements as specified in § 721.72 (a), (b), (c), (d), (f), (g)(1)(iii), (g)(1)(iv), (g)(1)(vii), (g)(2)(i), (g)(2)(ii), (g)(2)(iv), (g)(2)(v), (g)(3)(i), (g)(3)(ii), (g)(4)(i), and (g)(5).

(C) *Disposal.* Requirements as specified in § 721.85 (a)(1), (a)(2), (b)(1), (b)(2), (c)(1), and (c)(2). The following additional disposal methods also apply: Chemical destruction or, where necessary to ensure complete destruction of the substance, chemical destruction and carbon adsorption.

(D) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (concentration set at 1.3 ppb), on-site waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

(ii) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(A) *Recordkeeping.* The following recordkeeping requirements are applicable to manufacturers, importers, and processors of this substance: § 721.125(a) through (h), (j), and (k).

(B) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(Approved by the Office of Management and Budget under OMB control number 2070–0012)

(b) [Reserved]

5. By adding new § 721.1858 to subpart E to read as follows:

§ 721.1858 Halogenated alkyl pyridine.

(a) *Chemical substances and significant new uses subject to reporting.* (1) The chemical substance identified generically as halogenated alkyl pyridine (PMN P–83–237) is subject to reporting under this section for the significant new uses described in paragraph (a)(1)(i) of this section.

(i) The significant new uses are:

(A) *Protection in the workplace.* The general requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(ii), (a)(2)(iii), (a)(3), (a)(4), (a)(5)(iii), (a)(5)(xii), (a)(5)(xiii), (a)(5)(xiv), (a)(6)(i), (a)(6)(ii), (a)(6)(iii), (a)(6)(iv), (a)(6)(v), (a)(6)(vi), and (c) apply in all cases except that § 721.63(a)(2)(ii) does not apply for reactor sampling operations where enclosed vented sample boxes are used. In addition § 721.63(a)(2)(iv) applies for processing of any byproduct generated during manufacturing, processing, or use of the chemical substance which contains residual amounts of the chemical substance.

(B) *Hazard communication program.* Requirements as specified in § 721.72 (a), (b), (c), (d), (f), (g)(1)(iii), (g)(1)(iv), (g)(2)(i), (g)(2)(ii), (g)(2)(iv), (g)(2)(v), (g)(3)(i), (g)(3)(ii), (g)(4)(i), and (g)(5).

(C) *Disposal.* Requirements as specified in § 721.85 (a)(1), (a)(2), (b)(1), (b)(2), (c)(1), and (c)(2). The following additional disposal methods also apply: Chemical destruction or, where necessary to ensure complete destruction of the substance, chemical destruction and carbon adsorption.

(D) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (concentration set at 10 ppb), on-site waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

(ii) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(A) *Recordkeeping.* The following recordkeeping requirements are applicable to manufacturers, importers, and processors of this substance: § 721.125(a) through (h), (j), and (k).

(B) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(2) The chemical substance identified generically as halogenated alkyl pyridine (PMN P–83–1162) is subject to reporting under this section for the significant new uses described in paragraph (a)(2)(i) of this section.

(i) The significant new uses are:

(A) *Protection in the workplace.* The general requirements as specified in § 721.63(a) (1), (a)(2)(i), (a)(2)(ii), (a)(2)(iii), (a)(3), (a)(4), (a)(5)(iii), (a)(5)(xii), (a)(5)(xiii), (a)(5)(xiv), (a)(6)(i), (a)(6)(ii), (a)(6)(iii), (a)(6)(iv), (a)(6)(v), (a)(6)(vi), and (c) apply in all cases except that § 721.63(a)(2)(ii) does not apply for reactor sampling operations where enclosed vented sample boxes are used. In addition § 721.63(a)(2)(iv) applies for processing of any byproduct generated during manufacturing, processing, or use of the chemical substance which contain residual amounts of the chemical substance.

(B) *Hazard communication program.* Requirements as specified in § 721.72(a), (b) , (c), (d), (f), (g)(1)(iv), (g)(1)(vii), (g)(2)(i), (g)(2)(ii), (g)(2)(iv), (g)(2)(v), (g)(3)(i), (g)(3)(ii), (g)(4)(i), and (g)(5).

(C) *Disposal.* Requirements as specified in § 721.85 (a)(1), (a)(2), (b)(1), (b)(2), (c)(1), and (c)(2). The following additional disposal methods also apply: Chemical destruction or, where necessary to ensure complete destruction of the substance, chemical destruction and carbon adsorption.

(D) *Release to water.* Requirements as specified in § 721.90 (a)(4), (b)(4), and (c)(4) (concentration set at 0.2 ppb), on-site waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

(ii) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(A) *Recordkeeping.* The following recordkeeping requirements are applicable to manufacturers, importers, and processors of this substance: § 721.125 (a) through (h), (j), and (k).

(B) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(b) [Reserved]

(Approved by the Office of Management and Budget under OMB control number 2070–0012)

6. By adding new § 721.1880 to subpart E to read as follows:

§ 721.1880 Disubstituted halogenated pyridinol.

(a) *Chemical substances and significant new uses subject to reporting.* (1) The chemical substance identified generically as disubstituted halogenated pyridinol (PMN P–88–1274) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* The general requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(ii), (a)(2)(iii), (a)(3), (a)(4), (a)(5)(iii), (a)(5)(xii), (a)(5)(xiii), (a)(5)(xiv), (a)(6)(i), (a)(6)(ii), (a)(6)(iii), (a)(6)(iv), (a)(6)(v), (a)(6)(vi), and (c) apply in all cases except that § 721.63(a)(2)(ii) does not apply for reactor sampling operations where enclosed vented sample boxes are used. In addition § 721.63(a)(2)(iv) applies for processing of any byproduct generated during manufacturing, processing, or use of the chemical substance which contains residual amounts of the chemical substance.

(ii) *Hazard communication program.* Requirements as specified in § 721.72(a), (b), (c), (d), (f), (g)(1)(iii), (g)(1)(iv), (g)(2)(i), (g)(2)(ii), (g)(2)(iv), (g)(2)(v), (g)(3)(i), (g)(3)(ii), (g)(4)(i), and (g)(5).

(iii) *Disposal.* Requirements as specified in § 721.85(a)(1), (a)(2), (b)(1), (b)(2), (c)(1), and (c)(2). The following additional disposal methods also apply: Chemical destruction or, where necessary to ensure complete destruction of the substance, chemical destruction and carbon adsorption.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (concentration set at 44 ppb), on-site waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* The following recordkeeping requirements are applicable to manufacturers, importers, and processors of this substance: § 721.125(a) through (h), (j), and (k).

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(Approved by the Office of Management and Budget under OMB control number 2070–0012)

7. By adding new § 721.1883 to subpart E to read as follows:

§ 721.1883 Substituted halogenated pyridinol.

(a) *Chemical substances and significant new uses subject to reporting.* (1) The chemical substance identified generically as substituted halogenated pyridinol (PMN P–88–1273) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* The general requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(ii), (a)(2)(iii), (a)(3), (a)(4), (a)(5)(iii), (a)(5)(xii), (a)(5)(xiii), (a)(5)(xiv), (a)(6)(i), (a)(6)(ii), (a)(6)(iii), (a)(6)(iv), (a)(6)(v), (a)(6)(vi), and (c) apply in all cases except that § 721.63(a)(2)(ii) does not apply for reactor sampling operations where enclosed vented sample boxes are used. In addition § 721.63(a)(2)(iv) applies for processing of any byproduct generated during manufacturing, processing, or use of the chemical substance which contains residual amounts of the chemical substance.

(ii) *Hazard communication program.* Requirements as specified in § 721.72(a), (b), (c), (d), (f), (g)(1)(iii), (g)(1)(iv), (g)(2)(i), (g)(2)(ii), (g)(2)(iv), (g)(2)(v), (g)(3)(i), (g)(3)(ii), (g)(4)(i), and (g)(5).

(iii) *Disposal.* Requirements as specified in § 721.85(a)(1), (a)(2), (b)(1), (b)(2), (c)(1), and (c)(2). The following additional disposal methods also apply: Chemical destruction or, where necessary to ensure complete destruction of the substance, chemical destruction and carbon adsorption.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (concentration set at 44 ppb), on-site waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance. (where the number of kilograms per day per site is calculated after wastewater treatment).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* The following recordkeeping requirements are applicable to manufacturers, importers, and processors of this substance: § 721.125(a) through (h), (j), and (k).

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(Approved by the Office of Management and Budget under OMB control number 2070–0012)

8. By adding new § 721.1886 to subpart E to read as follows:

§ 721.1886 Substituted halogenated pyridinol, alkali salt.

(a) *Chemical substances and significant new uses subject to reporting.* (1) The chemical substances identified generically as substituted halogenated pyridinols, alkali salts (PMNs P–88–1271 and P–88–1272) are subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.

(2) The significant new uses are:

(i) *Protection in the workplace.* The general requirements as specified in § 721.63(a)(1), (a)(2)(i), (a)(2)(ii), (a)(2)(iii), (a)(3), (a)(4), (a)(5)(iii), (a)(5)(xii), (a)(5)(xiii), (a)(5)(xiv), (a)(6)(i), (a)(6)(ii), (a)(6)(iii), (a)(6)(iv), (a)(6)(v), (a)(6)(vi), and (c) apply in all cases except that § 721.63(a)(2)(ii) does not apply for reactor sampling operations where enclosed vented sample boxes are used. In addition § 721.63(a)(2)(iv) applies for processing of any byproduct generated during manufacturing, processing, or use of the chemical substance which contains residual amounts of the chemical substance.

(ii) *Hazard communication program.* Requirements as specified in § 721.72 (a), (b), (c), (d), (f), (g)(1)(iii), (g)(1)(iv), (g)(2)(i), (g)(2)(ii), (g)(2)(iv), (g)(2)(v), (g)(3)(i), (g)(3)(ii), (g)(4)(i), and (g)(5).

(iii) *Disposal.* Requirements as specified in § 721.85(a)(1), (a)(2), (b)(1), (b)(2), (c)(1), and (c)(2). The following additional disposal methods also apply: Chemical destruction or, where necessary to ensure complete destruction of the substance, chemical destruction and carbon adsorption.

(iv) *Release to water.* Requirements as specified in § 721.90(a)(4), (b)(4), and (c)(4) (concentration set at 44 ppb), on-site waste treatment where primary, secondary, and tertiary treatment will occur, treatment in a lined, self-contained solar evaporation pond where UV light will degrade the substance (where the number of kilograms per day per site is calculated after wastewater treatment).

(b) *Specific requirements.* The provisions of subpart A of this part apply to this section except as modified by this paragraph.

(1) *Recordkeeping.* The following recordkeeping requirements are applicable to manufacturers, importers, and processors of this substance: § 721.125(a) through (h), (j), and (k).

(2) *Limitations or revocation of certain notification requirements.* The provisions of § 721.185 apply to this section.

(Approved by the Office of Management and Budget under OMB control number 2070–0012)

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Thursday, May 23, 1991

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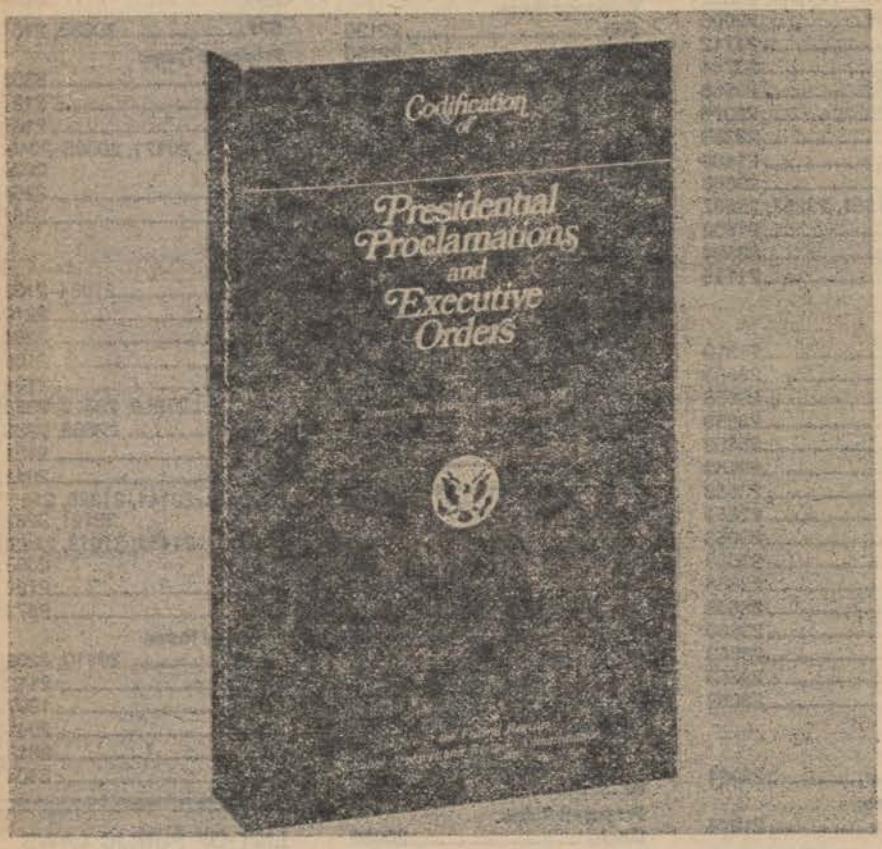

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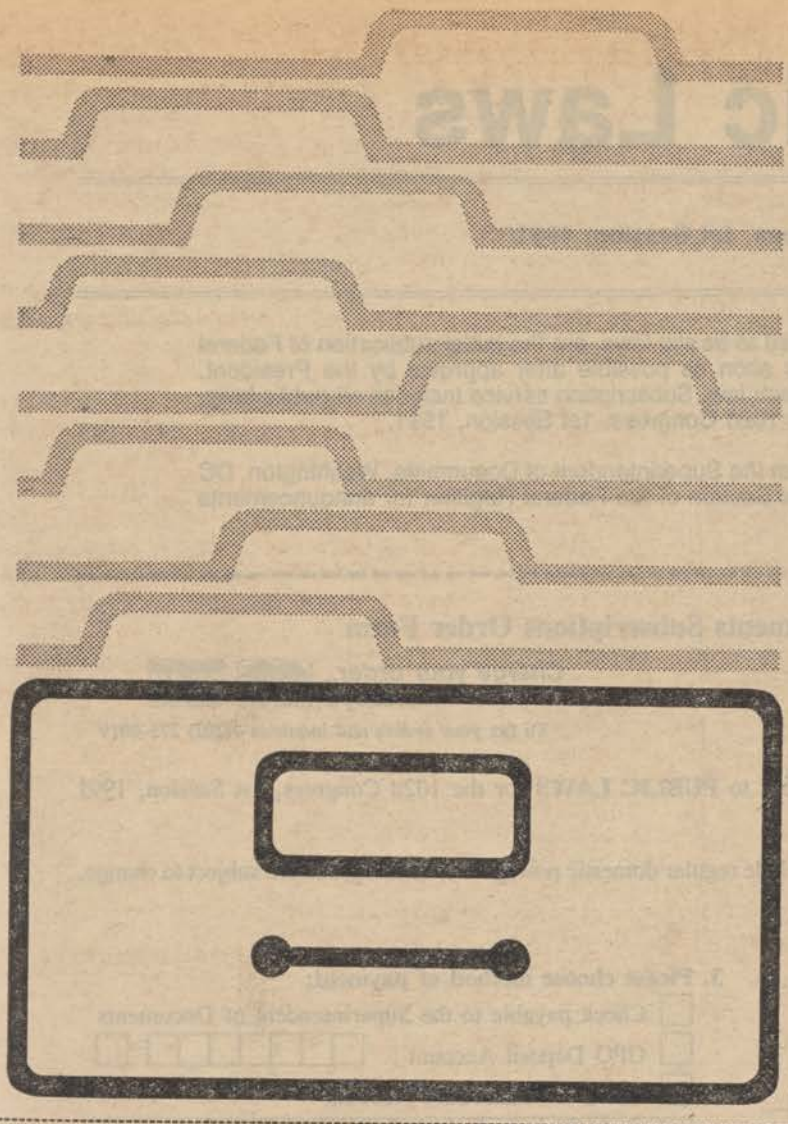

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in the Code of Federal Regulations (CFR)

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